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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JOY GARNER, individually and on behalf of The Control Group; JOY ELISSE GARNER, individually and as parent of J.S. and F.G.; EVAN GLASCO, individually and as parent of F.G.; TRACI MUSIC, individually and as parent of K.M. and J.S.; MICHAEL HARRIS, individually and as parent of S.H.; NICOLE HARRIS, individually as parent of S.H.,

Plaintiffs,

v.

JOSEPH R. BIDEN, in his official capacity as PRESIDENT OF THE UNITED STATES OF AMERICA,

Defendant.

No. 2:20-cv-02470 WBS JDP

Court of Appeals No. 21-15587

ORDER OF RECUSAL

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It had never occurred to me that my ownership of stock in certain pharmaceutical companies as a part of the portfolio in my Individual Retirement Account (IRA) could constitute a ground to disqualify me from presiding in this case. None of those

1 corporations, or any other entities even remotely affiliated with
2 them, are parties to this lawsuit.

3 However, counsel have brought to my attention an Order
4 filed by Judge Wardlaw on February 4, 2022, recusing herself from
5 sitting on the panel hearing the pending appeal in this case,
6 apparently because of her similar financial interest in some of
7 the same pharmaceutical corporations. Under the circumstances,
8 out of an abundance of caution, and in order to avoid any
9 potential appearance of impropriety, I will follow Judge
10 Wardlaw's example.

11 Accordingly, the undersigned judge hereby RECUSES
12 himself from all proceedings in this case nunc pro tunc, and the
13 Judgment and all orders entered by the undersigned judge in this
14 action are hereby VACATED and SET ASIDE.

15 The Clerk of this Court shall promptly forward a copy
16 of this Order to the Clerk of the United States Court of Appeals
17 for the Ninth Circuit, so that if that Court decides to do so it
18 may take the necessary steps to remand the case to this Court for
19 assignment to another judge.

20 IT IS SO ORDERED.

21 Dated: February 11, 2022



22 **WILLIAM B. SHUBB**
23 **UNITED STATES DISTRICT JUDGE**
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