

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

CURTIS J. NEELEY JR.,	§	
	§	
PLAINTIFF	§	
	§	
VS.	§	CIVIL ACTION NO. 09-5151
	§	
NAMEMEDIA, INC., NETWORK SOLUTIONS, INC., GOOGLE INC.	§	
	§	
DEFENDANT	§	

DEFENDANTS' RESPONSE TO PLAINTIFF'S SUGGESTION FOR RECUSAL

Defendants Google Inc. and NameMedia, Inc. respond to Plaintiff's suggestion that this Court should recuse (Dkt. No. 208) and state:

In deciding a request for recusal, this Court should take into consideration all circumstances, both public and private, and determine if a reasonable, uninvolved observer would question the judge's impartiality. *Katz v. Looney*, 733 F. Supp. 1284, 1286-87 (W.D. Ar. 1990). This Court has not shown any partiality, favoritism, or antagonism toward any party in this case; instead, this Court has been fair to all parties and ruled on all issues placed before him on a legally sound basis. As such, there is no basis to suggest this Court's recusal. *See U.S. v. Oaks*, 606 F.3d 530, 536 (8th Cir. 2010) (adverse rulings, standing alone, do not establish judicial bias or prejudice, nor create a reasonable question of judicial impartiality); *Mitchell v. Kirk*, 20 F.3d 936, 938 (8th Cir. 1994) (upholding the district court's refusal to grant *pro se* litigant's motion for recusal after judge and *pro se* litigant engaged in several heated discussions in front of the jury). Moreover, federal judges have an obligation not to recuse themselves when, as here, circumstances do not require it. *Katz*, 733 F. Supp. at 1286.

For all these reasons as well as others, Defendants oppose any suggestion that this Court
recuse.

Respectfully submitted,

/s/ Jennifer H. Doan

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CERTIFICATE OF SERVICE

I, Jennifer H. Doan, hereby certify that on December 8, 2010, I electronically filed the foregoing DEFENDANTS' RESPONSE TO PLAINTIFF'S SUGGESTION FOR RECUSAL with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following list:

Robert L. Jones, III
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and I hereby certify that I have mailed the document by the United States Postal Service to the following non-CM/ECF participants:

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/s/ Jennifer H. Doan
Jennifer H. Doan