



Hon. William B. Traxler, Jr.
Fourth Circuit U.S. Court of Appeals
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Delivered via e-mail

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Good afternoon, Judge Traxler,

Have a question for you. Say someone under 351(a) files a complaint against a district court judge, and the complainant brings up some interesting points (i.e., the chief judge doesn't simply dismiss it in a one-sentence order for being frivolous), but ultimately, the chief judge dismisses the complaint. Then say the complaint arose from a court case the same chief judge sat on a three-judge panel for less than a year prior. Shouldn't there be a rule that requires or suggests recusal given the temporal proximity?

More specifically, a Florida man, Clyde Dandridge, had some issues with a mediator assigned to his discrimination case against Wal-Mart, since the mediator had earlier in her career worked at a firm that had represented Wal-Mart. Dandridge tried to get a new mediator and failed, and after a while filed with Chief Judge Pryor a complaint against the district court judge who made the assignment. Dandridge also made some interesting, though ultimately unfounded, points in his complaint, including one where he maintained that the judge's ownership of stocks of certain financial institutions that are major Wal-Mart shareholders required his recusal. (They didn't, but it's an easy mistake to make.)

Chief Judge Pryor, to his credit, spent a dozen pages walking through the complaint and explaining why he was going to dismiss it under federal law and the JCD Rules. I wish more chief judges were as comprehensive in their analyses of complaints, even when, like Dandridge's, they ultimately fail to be meritorious.

But a problem potentially arises with Pryor not only adjudicating the complaint (in May [2022](#)) but also having adjudicated Dandridge's case (in Feb. and Apr. [2021](#)) only about a year earlier.

In order to alleviate the clear appearances issue, might it not be better to require or suggest chief judges to recuse from complaints filed by individuals who had cases before them in, say, the prior two or three years?

I'd be curious about your thoughts here, and many thanks for your attention to this issue.

Best,
Gabe Roth
Fix the Court