

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN THE MATTER OF
CASE NO. 1:03-CR-6-01

UNITED STATES OF AMERICA,

Plaintiff,

v.

Administrative Order
No. 18-CA-097

DONALD GARDNER, #11287-040

Defendant.

By Administrative Order 14-064 (July 28, 2014), Magistrate Judge Green was automatically disqualified from being assigned as a Judicial Officer on any matter arising out of a criminal case originating from 2001-2006. This was a prophylactic, categorical disqualification that avoided a need to make a formal inquiry in each such matter as to whether Magistrate Judge Green had an actual or imputed conflict of interest based in his position or work in the United States Attorney's Office during those years. It was not intended to prevent Magistrate Judge Green from actually working as a Judicial Officer on a matter in which he had no actual or imputed conflict of interest, and in which no other Judicial Officer was immediately available to handle a time sensitive matter.

Such a situation has just arisen. Defendant Donald Gardner has been taken into custody on alleged supervised release violations arising out of a Judgment in Case No. 1:03-CR-6-01. An initial appearance needs to be held on the matter without undue delay. The duty Magistrate is Judge Green, and no other Magistrate Judge is presently available to handle the matter. Magistrate Judge Green has determined that he does not have an actual or imputed conflict of interest in this

particular matter, and that the only potential barrier to his handling the initial appearance is Administrative Order 14-064.

Accordingly, **IT IS ORDERED** that Magistrate Judge Green be permitted to conduct the initial appearance in the referenced matter. A copy of this Administrative Order shall be filed forthwith in Case No. 1:03-CR-6-01.

Dated: November 21, 2018



ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE