

FILED

UNITED STATES COURT OF APPEALS

DEC 10 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KENNETH J. SCHMIER,

Plaintiff - Appellant,

v.

JUSTICES OF THE CALIFORNIA
SUPREME COURT; MEMBERS OF
THE JUDICIAL COUNCIL OF
CALIFORNIA; SCOTT DREXEL, in his
capacity as Chief Trial Counsel for the
State Bar of California; KENNETH
SCHWARTZ, in his capacity as Traffic
Judge, Dept. C54, Superior Court of
California, County of Orange,

Defendants - Appellees.

No. 09-17195

D.C. No. 3:09-cv-02740-WHA
Northern District of California,
San Francisco

ORDER

Before: HAWKINS and N.R. SMITH, Circuit Judges, and PRO, District Judge. *

Because we are confident that a reasonable person with knowledge of all the facts would not conclude that this panel's impartiality or that of the other judges who might be assigned to hear this appeal might reasonably be questioned, *United States v. Nelson*, 718 F.2d 315, 321 (9th Cir. 1983); *see also Sao Paulo State of the*

* The Honorable Philip M. Pro, United States District Judge for the District of Nevada, sitting by designation.

Federated Republic of Brazil v. Am. Tobacco Co., 535 U.S. 229, 233 (2002) (per curiam), this panel will be able to rule impartially on this appeal and will do so.

Appellant's Motion and Amended Motion to Disqualify are therefore DENIED.