

FILED

UNITED STATES COURT OF APPEALS

DEC 02 2010

FOR THE NINTH CIRCUIT

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

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff - Intervenor-
Appellee,

v.

ARNOLD SCHWARZENEGGER, in his
official capacity as Governor of California;
et al.,

Defendants,

and

DENNIS HOLLINGSWORTH; et al.,

Defendants -Intervenors-
Appellants.

No. 10-16696

D.C. No. 3:09-cv-02292-VRW
Northern District of California,
San Francisco

ORDER

Before: REINHARDT, Circuit Judge:

I have before me defendants-intervenors-appellants' motion to disqualify myself from this appeal. I have not hesitated to recuse from cases in the past when doing so was warranted by the circumstances. *See Khatib v. County of Orange,*

622 F.3d 1074, 1074 (9th Cir. 2010); *Mohamed v. Jeppesen Dataplan, Inc.*, 586 F.3d 1108, 1109 (9th Cir. 2009); *Buono v. Kempthorne*, 527 F.3d 758, 760 (9th Cir. 2008); *Sw. Voter Registration Educ. Project v. Shelley*, 344 F.3d 913, 914 (9th Cir. 2003); *Valeria v. Davis*, 320 F.3d 1014, 1015 n.** (9th Cir. 2003); *Alvarez-Machain v. United States*, 284 F.3d 1039, 1039 n.1 (9th Cir. 2002); *Coalition for Econ. Equity v. Wilson*, 122 F.3d 692, 711 (9th Cir. 1997).

Here, for reasons that I shall provide in a memorandum to be filed in due course, I am certain that “a reasonable person with knowledge of all the facts would [not] conclude that [my] impartiality might reasonably be questioned.” *United States v. Nelson*, 718 F.2d 315, 321 (9th Cir. 1983); *see also Sao Paulo State of the Federated Republic of Brazil v. Am. Tobacco Co.*, 535 U.S. 229, 233 (2002) (per curiam). I will be able to rule impartially on this appeal, and I will do so. The motion is therefore DENIED.