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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

**CARL T.C. GUTIERREZ, FRANK
AGUON, JR., and DOE CITIZEN
PLAINTIFFS 1-1000,**

Civil Case No. 10-00031

Plaintiffs,

vs.

ORDER RE: RECUSAL

**THE GUAM ELECTION COMMISSION,
JOHN BLAS, JOSHUA TENORIO,
JOSEPH MESA, ALICE TAIJERON,
JOHN TERLAJE, ROBERT CRUZ,
MARTHA RUTH, JOHN TAITANO,
EDWARD B. CALVO, RAY TENORIO,
and DOE DEFENDANTS 1-1000,**

Defendants.

Section 455 of Title 28, United States Code, provides, in pertinent part, that “[a]ny . . . judge . . . of the United States *shall* disqualify [herself] in any proceeding in which [her] impartiality might reasonably be questioned.” 28 U.S.C. § 455(a) (emphasis and emendations added).

Daniel Tydingco, a brother of the undersigned, is co-Chair of the transition team of Defendant/Governor-elect EDWARD B. CALVO. As this case is a legal challenge to Defendant Calvo’s election, the undersigned finds that her brother’s professional connection with Defendant Calvo makes this case a “proceeding in which [her] impartiality might reasonably be questioned.”

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1 Accordingly, the undersigned hereby **RECUSES** herself from this proceeding. She will
2 immediately refer this matter to Alex Kozinski, Chief Judge of the United States Court of Appeals
3 for the Ninth Circuit, who will designate another federal judge to preside in her stead.

4 **SO ORDERED.**



/s/ **Frances M. Tydingco-Gatewood**
Chief Judge
Dated: Nov 19, 2010