

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHEN G. CONKLIN	)	1:05-CV-1707
	)	
Plaintiff	)	
	)	
Vs.	)	JUDGE CONNER
	)	
WARRINGTON TOWNSHIP	)	
WARRINGTON TOWNSHIP	)	
ZONING BOARD (ZHB)	)	
JOHN DOE, AND TRACY LLOYD	)	
	)	
Defendants	)	JURY TRIAL DEMANDED

**Plaintiff's Motion to Recuse**

**Introductory Statement**

On or about May 16, 2006 (see docket number 28) the Honorable Christopher Conner, Federal Judge, issued an opinion in the above captioned case. After consultation with counsel plaintiff personally chose a course of action giving the court an opportunity to correct an obviously faulty opinion with racist overtones. Plaintiff's counsel so moved and then became the subject of Judge Conner's obvious anger, merely because plaintiff objected to the court's original opinion.

1. Judge Christopher Conner then issued an opinion in the above captioned matter in response to plaintiff's motion on June 30, 2006 (see docket number 35).

2. Plaintiff's intention had initially been to allow the court to vacate and revisit an opinion which in plaintiff's view displayed an extreme insensitivity to the race issues which are part of this case.

3. The court reacted to plaintiff's actions with a "Rule to Show Cause", that in the eyes of plaintiff, were, and are, totally unjustified and are merely angry attacks upon plaintiff's attorney and plaintiff so alleges.

4. In his attack it was clear to plaintiff that Judge Conner would not (because, plaintiff alleges) he could not (due to a lack of any credible argument) respond to the points of law and fact made in plaintiff's motion which would have simply allowed the court to correct its errors.

5. It is plaintiff's view, and it is his allegation, that Judge Conner entered into a tangential attack upon plaintiff's counsel in order to protect himself and divert attention from a faulty opinion which he still refuses to correct.

6. Plaintiff does not allege that Judge Conner is a racist.

7. Plaintiff does allege that Judge Conner's opinion (docket number 28) could set a dangerous precedent that a non-minority person has no cause of action (no implicated constitutional right) in a situation where that non-minority person wishes to, and does, associate with minority persons, particularly with "persons of color", which judge Conner, syntactically at least (it appears to plaintiff) appears to

criticize in a certain sense, indicating he demeans the phrase, by setting that phrase in quotations and referring to it in a certain context.

8. Plaintiff does allege that Judge Conner unjustifiably and unreasonably attacked plaintiff's attorney out of personal anger because plaintiff's attorney carried out plaintiff's wishes and quite appropriately filed a motion and brief, and a response to Judge Conner's Rule to Show Cause which were not in agreement with Judge Conner's stated opinion. No one ever indicated to plaintiff that Judge Conner was incompetent or incapable yet his attorney was accused of this by Judge Conner merely because plaintiff disagreed with Judge Conner's position.

9. The decisions to take the actions in this case were made by plaintiff after review with counsel and reflected plaintiffs, not counsel's outrage over this court's actions and words.

10. At no time did plaintiff's counsel suggest any attack upon Judge Conner and if anything defended and excessively excused Judge Conner's words and actions (unjustifiably in plaintiff's opinion) to plaintiff, Judge Conner's presumptions to the contrary, notwithstanding.

11. Judge Conner's Rule to Show Cause and subsequent writings indicate to the plaintiff that Judge Conner is motivated to attack plaintiff and his attorney because of Judge Conner's own acts and omissions. Judge Conner is punishing the messenger because he does not like the message, thus displaying a predilection for

intemperate actions that are not consistent with the obligations of a judge to be neutral and detached. Since this has become personal for him he should recuse himself.

12. Plaintiff wishes to make it very clear to this court and to any reader of this motion that this is his decision and that he believes his allegations are based upon clear and convincing information which everyone should be able to see.

13. Plaintiff is firmly convinced that he cannot and will not receive fair and impartial treatment by Judge Conner not only because of who his attorney is, but because Judge Conner has pre-judged this case and its merits for the wrong reasons.

14. Plaintiff has already decided that with or without counsel's help, he must undertake efforts to have Judge Conner's decisions reviewed by appropriate authorities because he will not correct his own writing which is facially insensitive to racism occurring within his jurisdiction. Judge Conner's words and actions are not ambiguous or unclear and they are demonstrated on the record. Any reasonable and unbiased examination of the judge's words and actions plainly demonstrate the moral duty of any citizen to take steps in opposition to what he has done. This places plaintiff and Judge Conner in a direct conflict because the court has acted in an extreme fashion. Because the plaintiff has a moral duty to pursue this course of action he believes he also has a responsibility to express these

conclusions to the court. Plaintiff will soon began a petition drive to impeach Judge Conner.

15. It is this plaintiff's intention that whether Judge Conner recuses himself from this action or not, that plaintiff, with or without counsel's assistance, will appeal his refusal to recuse himself, should he do so, and may even consider withdrawing this action in light of these extreme circumstances. So regardless of what happens with this litigation plaintiff intends to bring this Judge's acts and omissions to the attention of the public and to those officials who have a responsibility to discipline our judiciary. He will not await what he believes will be an adverse decision to begin this effort.

16. These decisions are plaintiffs and are not the decisions or reasonings of plaintiff's counsel, although counsel has indicated to plaintiff that he does concur in plaintiff's analysis of the law and facts in this circumstance.

Wherefore plaintiff respectfully requests that this court recuse itself for failure to be objective and impartial and because this court is biased on a matter of fundamental law which is inconsistent with any fair and objective adjudication of the facts before it in my case.

Respectfully Submitted,

By: S/Don Bailey Esquire  
4311 N. 6<sup>th</sup> Street  
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**CERTIFICATE OF SERVICE**

I Adrienne Bailey do hereby certify that on this 12th day of January 2007 I caused to be served *Plaintiff's Motion to Recuse* via electronic filing as follows:

ROLF KROLL, ESQUIRE  
SHAWN MUMFORD, ESQUIRE  
3510 Trindle Road  
Camp Hill, PA 17011

Respectfully submitted,

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