

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

FEB 4 2022

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

JOY GARNER, individually and on behalf  
of The Control Group; et al.,

Plaintiffs-Appellants,

v.

JOSEPH R. BIDEN, in his official capacity  
as President of the United States of America,

Defendant-Appellee.

No. 21-15587

D.C. No.

2:20-cv-02470-WBS-JDP

Eastern District of California,  
Sacramento

ORDER

Before: WARDLAW, Circuit Judges.

Pending before the Court is a motion to recuse me from hearing this appeal. Although I do not believe that any conflict exists that would require recusal, in the interest of avoiding any potential appearance of impropriety, I hereby recuse myself from this matter.

The Clerk shall draw a replacement Judge by lot pursuant to General Order 3.2(i). The January 27, 2022 order (DE 31) is vacated. This case is removed from the February 8, 2022 calendar and submission is deferred pending further order of the Court. The motion to recuse (DE 35) is denied as moot.