UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
v.	:	No. 98-1232 (CKK)
MICROSOFT CORPORATION,	:	
Defendant.	:	
STATE OF NEW YORK, et al.,	:	
Plaintiffs,	:	
v.	:	No. 98-1233 (CKK)
MICROSOFT CORPORATION,	:	
Defendant.	:	

ORDER

On September 27, 2001, Judge Colleen Kollar-Kotelly denied the request of Petitioner David L. Whitehead, filed September 24, 2001, to file a brief as *amicus curiae* in the above-entitled cases. Judge Kollar-Kotelly noted that "both parties are well represented and numerous *amici* have already been permitted to participate in the proceedings." Consequently, she concluded that the proposed participation by an *amicus* "would be unhelpful to the Court and would likely impose an unacceptable burden on the Court." On October 2, 2001, Petitioner filed a Motion for Reconsideration which was denied on October 9, 2001.

On February 8, 2002,[1] the Petitioner filed a document entitled "Writ of Mandamus Pursuant to Motion for Reconsideration (*Amicus Curiae* Petition) for the Recusal of the Presiding Judge. In support thereof, he submitted Exhibits 1 and 2, attached to the writ of mandamus, which he stated "should suffice for the removal of the presiding judge." They do not. Exhibits 1 and 2 consist of statements Petitioner either made to or filed with the U.S. House of Representatives Committees on Government Reform and on the Judiciary.

Exhibit 1 focuses on Petitioner's contention that Judge Paul L. Friedman should have recused himself from 11 cases filed by Petitioner and ultimately dismissed by Judge Friedman. So far as this Court can tell, Exhibit 1 seems to bear no relationship to the instant Microsoft case.

Exhibit 2 focuses on the same cases involving Petitioner which were dismissed by Judge Friedman, as well as allegations against former Chief Judge Norma Holloway Johnson that she improperly assigned certain campaign finance cases to Judge Friedman. Apart from the fact that Exhibit 2, like Exhibit 1, seems to have no relationship to the instant Microsoft case, it should be noted that the allegations of misconduct against both Judge Friedman and

[1] For some unexplained reason, there is no docket entry for this filing, although the writ is date-stamped by the Clerk's office.

former Chief Judge Johnson have been dismissed by the Judicial Council of the District of Columbia Circuit.

While Petitioner presents some attenuated conspiracy theories about various Judges on this Court, a careful examination of his documentation reveals that there is absolutely no support for his charge that Judge Kollar-Kotelly should have recused herself on his Motion for Leave to File an *Amicus Curiae* petition.

WHEREFORE, it is this 19th day of December,

ORDERED that the Writ of Mandamus for the Recusal of the Presiding Judge is **denied** as it has no merit whatsoever.

Gladys Kessler
United States District Judge