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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Russell B Toomey,
Plaintiff,
v.
State of Arizona, et al.,
Defendants.

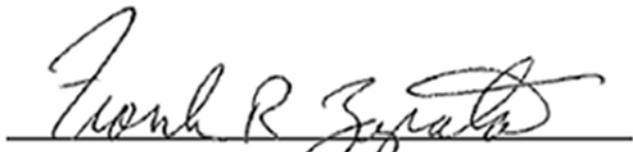
No. CV-19-00035-TUC-FRZ
ORDER

Pursuant to the *Code of Conduct for United States Judge*, Canons 2 and 3, to avoid the appearance of impropriety, and because a judge has a duty to recuse if impartiality could be reasonably questioned, whether or not such impartiality actually exists, this Court must recuse itself from the above-captioned case. *See also* 28 U.S.C. § 455(b).

Accordingly, IT IS ORDERED:

1. This case is reassigned by random lot to the Honorable Judge Rosemary Márquez.
2. Counsel and the parties shall designate all further filings in this case as:
CV 19-00035-TUC-RM.

Dated this 4th day of February, 2019.


 Honorable Frank R. Zapata
 Senior United States District Judge