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United States of America
District of Rhode Island

United States of America

v.

David A. Starkey

Case No. CR-00074-MSM

1:22-CV-00315-MSM

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JAN 20 2023

Motion to Clarify
Order of Judge Mary S. McElroy
dated January 10, 2023

U.S. DISTRICT COURT
DISTRICT OF R.I.

Now comes Petitioner, David A. Starkey
and moves the Court as follows:

1. On January 10, 2023, Judge Mary S. McElroy entered an Order in this Court purporting to recuse herself in Case No. 1:20-cr-00074-wes-LDA
2. In fact, Case No. 1:20-cr-00074-wes-LDA has been terminated by the conviction and sentencing of the Petitioner, as well as the dismissal of his appeal without prejudice, in the First Circuit Court of Appeals.
3. Currently pending and the subject of the Petitioner's habeas proceeding under 28 USC 2255 before this Court is the related case, Case No. 1:22-cv-00315-MSM

4. The Petitioner wishes to clarify for the record that the recusal applies to the Petitioner's proceeding under 28 USC 2255, which is Case No. - 1:22-cv-00315-MSM. If Petitioner is correct Judge McElroy as reflected in the attached order has recused herself from a dismissed case.

Wherefore, the Petitioner requests that the Clerk and/or Court confirm and clarify that Judge McElroy's order of recusal applies to Case No. 1:22-cv-00315-MSM now pending in the District Court and awaiting the scheduling of a "Collateral Hearing" or other Court action.

Respectfully submitted



David A. Staveley
Pro Se

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA

Plaintiff,

v.

David Staveley

Defendant.

Case No.: 1:20-cr-00074-WES-LDA

ORDER OF RECUSAL

I hereby recuse myself from participation in the above referenced matter.

It is so ordered.

January 10, 2023

By the Court:

/s/ Mary S. McElroy
United States District Judge