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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Janice Sue Taylor,

Defendant.

No. CR-10-0400-PHX-MHM

ORDER

On August 2, 2010, and again on August 12, 2010, this Court set pretrial compliance deadlines for trial subpoenas issued in this case and ordered witnesses Mr. Ronald McBride and Ms. Desiree Saunders to comply with the subpoenas. (Docs. 41, 48). In the August 12 Order, The Court noted the witnesses had already violated the Court’s prior deadline and explained that based on the “assumption that the witnesses held a good faith but mistaken belief that their Petitions for Reconsideration were a legally justifiable reason to fail to comply with the Court’s pretrial compliance deadline,” the Court would make a one-time exception and allow them to comply by August 20, 2010. (Doc. 48). However, the Court warned that its Order would “not be excused by the filing of any future Petitions for Reconsideration or any other legal document attempting to delay compliance.” (Id.). The Court warned that this would be the witnesses’ “final opportunity to comply with the government’s requests without facing sanctions by the Court” and that “[n]o further excuses would be accepted.” (Id.).

1 However, on August 24, 2010, the Government notified the Court that neither Mr.
2 McBride nor Ms. Saunders has complied with the Court's Order. (Docs. 46, 62). Instead, they
3 both filed what amounts to another round of motions for reconsideration, including a Motion for
4 Relief from Judgment or Order under Rule 60(b) by Ms. Saunders (Doc. 49) and a Motion for
5 Relief from Judgment or Order under Rule 60(b) by Mr. McBride (Doc. 55). Because these
6 motions articulate no nonfrivolous legal basis for the Court to reconsider its prior Order, both
7 motions will be denied. (Docs. 49, 55).

8 Given the witnesses' refusal to comply with the Court's Order, despite the Court's
9 warnings that future noncompliance would not be excused, Mr. McBride and Ms. Saunders will
10 be ordered to appear and show cause why they should not be held in contempt of court for failing
11 to comply with this Court's orders to produce the subpoenaed records.

12 The witnesses also filed motions seeking this Court's recusal; specifically filed were a
13 Motion to Require Involuntary Recusal of Judge Mary H. Murguia, or in the Alternative, Motion
14 to Refer Matter to Chief Judge John M. Roll for Involuntary Disqualification by Ms. Saunders
15 (Doc. 51) and a similar Motion to Require Involuntary Recusal of Judge Mary H. Murguia, or
16 in the Alternative, Motion to Refer Matter to Chief Judge John M. Roll for Involuntary
17 Disqualification by Mr. McBride (Doc. 57). In these nearly identical motions, both witnesses
18 state that by ruling against them, the Court "thumbed [its] nose and continued on undaunted, in
19 order that [the Court] might continue to 'help out' the 'IRS Federal agency,' by which 'help' [the
20 Court] chose to leave [its] alleged neutral position in doing so." (Doc. 57 at 3). The Court is
21 unaware of any legal principle that requires recusal simply for ruling against a party, let alone
22 for ruling against a witness who is not a party to the case. See Liteky v. United States, 510 U.S.
23 540, 555-56 (1994) (explaining that an adverse ruling against a party does not provide a basis
24 for recusal of a judge). The witnesses also state that the Court "quickly dismissed without
25 hesitation" their arguments for reconsideration. However, given that the witnesses articulated
26 no legal basis for reconsideration, the Court's speed in addressing the violation of its Order
27 cannot be a basis for recusal. Although the Court has reviewed both motions at length, no other
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1 basis for recusal appears to be presented. Therefore, both motions will be denied. (Docs. 51,
2 57).

3 **Accordingly,**

4 **IT IS HEREBY ORDERED** that Mr. Ronald McBride and Ms. Desiree Saunders shall
5 each appear on Friday, September 17, 2010 at 3:30 P.M. to show cause why they should not be
6 held in contempt of court for failing to comply with this Court's orders to produce the
7 subpoenaed records.

8 **IT IS FURTHER ORDERED** denying the Motion for Relief from Judgment or Order
9 under Rule 60(b) filed by Ms. Saunders (Doc. 49).

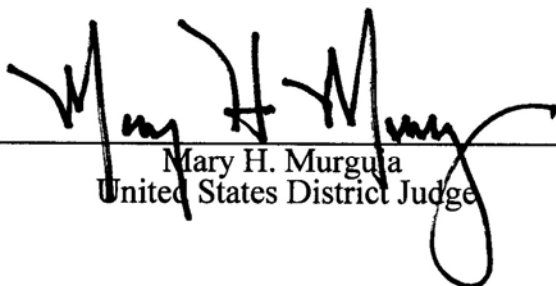
10 **IT IS FURTHER ORDERED** denying the Motion for Relief from Judgment or Order
11 under Rule 60(b) by Mr. McBride (Doc. 55).

12 **IT IS FURTHER ORDERED** denying the Motion to Require Involuntary Recusal of
13 Judge Mary H. Murguia, or in the Alternative, Motion to Refer Matter to Chief Judge John M.
14 Roll for Involuntary Disqualification by Ms. Saunders (Doc. 51).

15 **IT IS FURTHER ORDERED** denying the Motion to Require Involuntary Recusal of
16 Judge Mary H. Murguia, or in the Alternative, Motion to Refer Matter to Chief Judge John M.
17 Roll for Involuntary Disqualification by Mr. McBride (Doc. 57).

18 **IT IS FURTHER ORDERED** directing the Clerk of Court to send a copy of this Order
19 to Ronald J. McBride at P.O. Box 982, Florence, AZ 85132, and to Desiree Saunders, 3341
20 Arianna Court, Gilbert, AZ 85298.

21
22 DATED this 26th day of August, 2010.

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26 _____
27 Mary H. Murguia
28 United States District Judge