

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
PETE V. DOMENICI UNITED STATES COURTHOUSE  
333 LOMAS BLVD., N.W., SUITE 660  
ALBUQUERQUE, NEW MEXICO 87102  
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JAMES O. BROWNING  
District Judge

January 15, 2013

VIA CM/ECF

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Re: Mocek v. City of Albuquerque, et al., No. CIV 11-1009 JB/KBM

Dear Counsel of Record:

I want to bring one matter to your attention. I have, with my law clerks, reviewed the Judicial Code of Conduct and do not believe this matter requires me to recuse myself. I want, however, everyone to be fully informed about, and fully comfortable with, my participation in the case.

Counsel of Record

Re: Mocek v. City of Albuquerque, et al., No. CIV 11-1009 JB/KBM

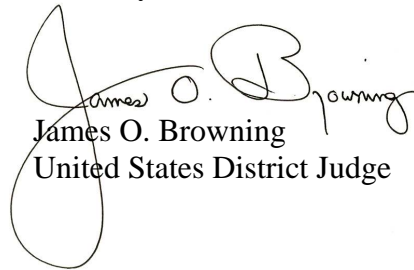
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I know the Honorable Kevin L. Fitzwater, Division II, Bernalillo County Metropolitan Court. My relationship with him is professional and, other than bar or judicial functions, I have little or no social interaction with him. My son, when he was a teenager (he is 31 now), also had a traffic ticket issue in front of Judge Fitzwater, which my wife and I attended with our son. I do not believe I have been in his home, nor has he been in my home.

I believe that I can continue to be fair and impartial. If anyone, however, has any questions about the above, please let my Courtroom Deputy Clerk, K'Aun Wild, know, and we can perhaps have a conference. I have instructed Mrs. Wild not to tell me who may call. Best regards.

Sincerely,



James O. Browning  
United States District Judge