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November 8, 2013

Hon. John M. Walker, Jr.
Hon. Jose' Cabranes
Hon. Barrington D. Parker, Jr.
United States Court of Appeals
for the Second Circuit
Thurgood Marshall United States Courthouse
Foley Square
New York, New York 10007

Re: In re Order of Removal of District Judge
Ligon v. City of New York, 13-3123 (corrected)
Floyd v. City of New York, 13-3088

Your Honors:

We write as *amici curiae* on behalf of the District Judge herein, with her approval and consent. We believe, and the District Judge concurs, that it is in the best interests of all concerned to terminate a dispute that is distracting attention from the underlying merits, while preserving the rights of the parties to raise the issue in the ordinary course.

Accordingly, we urge the panel to withdraw, without prejudice, so much of its order herein, dated October 31, 2013, as *sua sponte* found that the District Court's actions had "run afoul" of the Code of Conduct for United States Judges, and directed her removal as presiding judge in *Ligon v. City of New York*, 13-3123 (corrected), and *Floyd v. City of New York*, 13-3088. Such a course of conduct would permit the parties to raise the issues at an appropriate point in the proceedings without being forced to address them in the context of an unseemly dispute among judges.

Respectfully,

Burt Neuborne
(Counsel of Record)
Norman Dorsen
Arthur R. Miller
Judith Resnik
Frederick A.O. Schwarz
Amici Counsel to the District Judge

cc: all interested counsel