

S.D.N.Y.–N.Y.C.
11-cv-691, 11-cv-3718
Kaplan, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 19th day of September, two thousand eleven,

Present:

Rosemary S. Pooler,
Richard C. Wesley,
Gerard E. Lynch,
Circuit Judges.

Chevron Corporation,

Plaintiff-Appellee,

v.

11-1150-cv(L)
11-1264-cv(con)

Hugo Gerardo Camacho Naranjo, *et al.*,

Defendants-Appellants,

Pablo Fajardo Mendoza, *et al.*,

Defendants.

Hugo Gerardo Camacho Naranjo, Javier Piaguaje Payaguaje,

Petitioners,

v.

11-2259-op(con)

Chevron Corporation,

Respondent.

Petitioners Hugo Gerardo Camacho Naranjo and Javier Piaguaje Payaguaje, through counsel, petition this Court for a writ of mandamus, seeking to compel the recusal of District Judge Lewis A. Kaplan. Upon due consideration, it is hereby ORDERED that the mandamus petition, docketed under 11-2259-op, is DENIED. See *Liteky v. United States*, 510 U.S. 540, 554–56 (1994) (recusal standard); *In re Basciano*, 542 F.3d 950, 955–56 (2d Cir. 2008) (mandamus standard); *Keith v. Barnhart*, 473 F.3d 782, 789 (7th Cir. 2007) (“[B]ias cannot be inferred from a mere pattern of rulings by a judicial officer, but requires evidence that the officer had it in for the party for reasons unrelated to the officer’s view of the law[.]” (quoting *McLaughlin v. Union Oil Co.*, 869 F.2d 1039, 1047 (7th Cir. 1989))).

IT IS FURTHER ORDERED that in the appeal from the issuance of a preliminary injunction issued in *Chevron Corp. v. Donziger*, 768 F. Supp. 2d 581, 660 (S.D.N.Y. 2011), docketed in this Court under 11-1150-cv, the preliminary injunction issued by the district court on March 7, 2011 is VACATED in its entirety upon entry of this Order.

IT IS FURTHER ORDERED that the motion for a stay of the district court’s proceedings on Count 9 of the Complaint, renewed by counsel at oral argument before this Court on September 16, 2011, is GRANTED.

An opinion addressing the appeals in Nos. 11-1150-cv and 11-1264-cv will follow in due course.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal. The seal is blue and white with the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. There are two small stars on either side of the central text.

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

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