

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JAY VINCENT SHORE, pro se,

And for those similarly situated, ex. rel,
Plaintiff(s),

v.

CITY OF PORTLAND, OREGON,

PORTLAND POLICE BUREAU,

PORTLAND BUREAU OF
TRANSPORTATION,

SERGEANT'S TOWING, INC., in capacity as
agent for CITY OF PORTLAND, and in
capacity as a "private entity";

Defendants.

Case No: 3 '17 1519 YY

Motion to Recuse Magistrate
Youlee You

Plaintiff JAY VINCENT SHORE hereby moves the Court for the recusal of Magistrate Youlee You, pursuant with 28 U.S.C. § 455, for the following reasons:

1. Plaintiff is with fear, apprehension, and belief (*quia timet*) that Magistrate You served with the Multnomah County Circuit Court from 2007 to 2016, and thus was either directly or indirectly involved with the Court that adjudicates the PARKING VIOLATION CITATION that is at issue in Plaintiff's case. A reasonable person, and especially the Plaintiff, would be without reasonable expectation that Magistrate You could be an impartial adjudicator would in this matter, since reversing her own or her former colleagues' former acts would be unlikely. Plaintiff is asking this Court to find that the Defendants (CITY OF PORTLAND, PORTLAND BUREAU OF TRANSPORTATION, and PORTLAND POLICE BUREAU) practice of issuing PARKING VIOLATION CITATIONS, as that practice currently exists, with the clear and unambiguous condition that court is accessible only after a bail is paid, is without conformity to the due process and equal protection provisions of the United States Constitution.

Plaintiff calls into question the ability of Magistrate You to adjudicate this matter impartially and with fairness, since she had nine years (+/-) as an integral part of the Multnomah County Circuit Court, a court that has continued to effect the practice that Plaintiff claims (and believes the USDOJ Document, referenced on the Complaint, and incorporated hereon fully by reference, and found at URL <https://www.justice.gov/crt/file/832461/download>, also verifies that the practice of conditioning an accused's access to Court to the pre-payment of a fine, fee, bail, or bond) is absent parity with the United States Constitution.

Plaintiff believes that Magistrate You

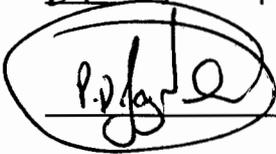
- could easily have a personal bias or prejudice concerning Defendant's acts, which are disputed in this instant case by Plaintiff, or personal knowledge of disputed evidentiary facts concerning the proceeding, because of her history with the Multnomah County Circuit Court; and
- has expressed an *a priori* opinion concerning the merits of the particular case in controversy, by her employment as a Judge with Multnomah County Circuit Court, which effects the practice that Plaintiff is challenging as unconstitutional; and

Plaintiff is with Post Traumatic Stress Disorder (A qualified disability, under the Americans With Disabilities Amendments Act of 2008) from abuses that happened with/ from the legal system, and to have Magistrate You, with the history of her connection with the Multnomah County Circuit Court, assigned to this case, is an effective removal of access for Plaintiff's ability to communicate with the Court with a belief of fairness and impartiality, because it strikes Plaintiff with fear that there is the absence of fairness and impartiality.

Further, as a part of Plaintiff's complaint, Plaintiff has asked for emergency (expedited) injunctive relief. Plaintiff points out that any Magistrate may not be able to effect this relief based upon 28 U.S.C. § 636 (b)(1)(A).

Plaintiff further moves this Court to assign an Article III Judge to this matter, and herewith issues praecipe to the Clerk to see that this matter is resolved, by issuing a reassignment, or explaining the inaction.

To the best of Plaintiff's reasonable information and belief, this complaint is conformable with Rule 11 of the Federal Rules of Civil Procedure. Respectfully submitted on this 29th day of September, 2017

A handwritten signature in black ink, appearing to read "J. Vincent Shore", is enclosed within a hand-drawn oval. The signature is written in a cursive style.

JAY VINCENT SHORE, PLAINTIFF
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PORTLAND, OR 97203
541-203-0528