

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	10-00320-16-CR-W-DGK
)	
FRANK M. ALVAREZ,)	
)	
Defendant.)	

ORDER

Before the court is defendant's motion to have me recuse on the ground that I am "leaving the bench to assist the prosecution" because I denied defendant's motion for a copy of the complaint, in violation of the Bill of Rights. Defendant's motion will be denied.

As defendant has been told, there was no complaint in this case. The criminal case against him began with an indictment. There are no grounds present for recusal.

Because there is no complaint in this case, defendant's motion not only lacks merit, it is nonsensical. It is my strong recommendation that defendant reconsider his decision to proceed pro se. See McKaskle v. Wiggins, 465 U.S. 168, 177 n. 8 (1984) (a pro se defendant is more likely to be convicted).

It is

ORDERED that defendant's motion for recusal is denied.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
June 16, 2011