

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant.

Criminal Action No. 17-232-EGS

[PROPOSED] ORDER

On October 6, 2020, General Flynn filed a Motion to Recuse Judge Emmet Sullivan, in which the defendant moved to disqualify this court under 28 U.S.C. §§ 455(a), 455(b)(5)(1), and (b)(5)(i) for an appearance of bias against General Flynn which “risk[s] [] undermining the public’s confidence in the judicial process.” *In re Al Nashiri*, 921 F.3d 224, 239 (D.C. Cir. 2019).

The defendant further requested a myriad of communication, documents, and information in support of this motion, including:

- 1) The names of all persons listening on the court’s line for the hearing on September 29, 2020 that were not clerks of the court;
- 2) All communications by and between Beth Wilkinson and any members of her firm with any persons about General Flynn or this case since the panel of the D.C. Circuit issued the writ of mandamus;
- 3) All communications between Ms. Wilkinson or any member of her firm, any member of Chambers, and Mr. Gleeson and any members of his firm about Mr. Gleeson’s role, briefing, strategy, questions, and preparation for the hearing regarding General Flynn;

- 4) All communications and visits with Eric Holder about this case or General Flynn, identification of the numbers of visits Eric Holder has made to Chambers about this case or General Flynn, or other personal meetings with Eric Holder;
- 5) All communications by Emmett Sullivan about General Flynn or this case with anyone outside chambers since the writ of mandamus was filed that would evidence Emmet Sullivan's own intent or desire to continue the prosecution of General Flynn; and
- 6) The names of every person on the court video conference for the September 29, 2020 hearing, even if their cameras were disabled or not active.

Having considered Defendant's Motion to Recuse Judge Emmet Sullivan and in light of the Government's Motion to Dismiss with Prejudice, ECF No. 198, It is ORDERED that the Government's Motion to Dismiss the Criminal Information Against the Defendant Michael T. Flynn, ECF No. 198, is hereby GRANTED and the criminal information filed in this case is dismissed with prejudice, for the reasons stated in that motion.

It is further ORDERED that upon dismissal, the defendant's Motion to Recuse Judge Emmet Sullivan and for Other Relief is hereby GRANTED and Judge Emmet Sullivan is hereby recused from any further proceedings in this matter. Further, all requested communications, documents, and information shall be turned over to the defendant *instantly*.

Dated: _____

Emmet G. Sullivan
United States District Judge