

September 20, 2018

The Honorable Scott S. Harris
Clerk of Court
1 First Street, NE
Washington, D.C. 20543

RE: *Calvin McMillan v. Alabama*, No. 18-5396
**Supplemental Letter Brief and Request to Hold Pending the
Court's Consideration of *Lacaze v. Louisiana*, No. 17-1566**

Dear Mr. Harris:

The petition for certiorari in *McMillan v. Alabama*, No. 18-5396, has been distributed for the conference of September 24, 2018. The question presented in *McMillan* is:

Can a state court require a petitioner to establish actual, subjective bias to obtain judicial recusal even though this Court has held that the constitutional standard for judicial recusal is objective?

In a separate case, *Lacaze v. Louisiana*, No. 17-1566, the petitioner has requested the Court's intervention on two questions. The first question in *Lacaze* is:

Whether Judge Marullo's failure to recuse, or even disclose, violated Petitioner's rights under the Due Process Clause.

The petition in *Lacaze* was also distributed for the September 24, 2018 conference; however, the Court recently rescheduled the petition.

Petitioner McMillan respectfully asks this Court to hold his petition pending consideration of the first question of the petition in *Lacaze*. The two petitions raise similar questions about the proper application of the Court's judicial recusal jurisprudence. Should the Court grant the petition in *Lacaze*, its resolution of the first question presented there will likely have a substantial effect on the proceedings in *McMillan*, and vice versa. In light of the similarities between the questions presented in the two cases, Petitioner McMillan respectfully requests that the Court reschedule his petition so that it may be considered alongside the petition in *Lacaze*.

Please do not hesitate to contact me for any reason. Thank you for your assistance.

Sincerely,

/s/ Patrick Mulvaney
pmulvaney@schr.org
Counsel for Petitioner McMillan

cc: James Houts, Alabama Deputy Attorney General