

**STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE  
NINETEENTH JUDICIAL DISTRICT COURT**

ANTOINE TATE,

Petitioner,

v.

DARREL VANNOY, in his capacity as  
Warden of Louisiana State Penitentiary,

Respondent.

Case No. 01-97-0502

Section 4

Chief Judge Donald Johnson

**RESPONDENT'S MOTION TO RECUSE**

## INTRODUCTION

The Louisiana Attorney General respectfully files this recusal motion because Your Honor has sued her. On February 27, Your Honor and two other judges in the 19th Judicial District sued the Attorney General in federal court, accusing her of intentionally violating their constitutional rights. The Attorney General intends to vigorously contest that federal lawsuit and is confident it will not survive scrutiny. But the recusal problem is immediately apparent: As just one example, the Attorney General's Office had to appear before Your Honor on a dispositive motion in a separate case the very next day, without any disclosure that she was now his adversary in federal court and the subject of serious personal allegations. Louisiana law does not permit that. Accordingly, the Attorney General moves for recusal in this case and has moved to recuse the federal plaintiffs Chief Judge Don Johnson, Judge Ron Johnson, and Judge Gail Horne Ray from all matters in which the Attorney General's Office appears.

## BACKGROUND

On February 27, 2026, Chief Judge Donald R. Johnson, Judge Ronald R. Johnson, and Judge Gail Horne Ray sued Attorney General Liz Murrill, Governor Jeff Landry, and Secretary of State Nancy Landry in the Middle District of Louisiana. *See* Ex. A (Complaint for Declaratory Relief, *Johnson v. Landry*, No. 3:26-cv-210, ECF No. 1 (M.D. La.) (Feb. 27, 2026)). The Attorney General is awaiting service of the Complaint and has yet to appear or file responsive pleadings.

The Complaint levels serious personal accusations against Attorney General Murrill. Chief Judge Johnson alleges that she "deprived [him] of the due process of

law,” Compl. ¶ 19, “deprived [him] of the fundamental fairness guaranteed by law,” *id.* ¶ 24, and “violate[d]” his “protected rights ... to both cast votes and run as qualified Black candidate[],” *id.* ¶ 19. He accuses the Attorney General of having “made a conscious choice” to strip him of those rights by “intentionally undermin[ing] federal law and jurisprudence,” *id.* ¶ 19, and acting without “lawful and jurisdictional authority,” *id.* ¶ 13. As a result, he says, Attorney General Murrill “prejudice[d]” and “affect[ed] adversely” his “interests,” including his “federally protected civil and voting rights,” *id.* ¶¶ 14, 17.

Given that ongoing lawsuit in which Chief Judge Johnson and Respondent’s attorney are at odds and the serious allegations levied at Respondent’s attorney, Respondent respectfully requests that Chief Judge Johnson recuse from this matter. *See* La. C.C.P. art. 154.

#### **STANDARD OF REVIEW**

A recusal request must be by “written motion,” “filed no later than thirty days after discovery of the facts constituting the ground upon which the motion is based.” La. C.C.P. art. 154(A). It must “set[] forth a ground for recusal under Article 151,” and be acted upon within “seven days [of] the judge’s receipt of the motion from the clerk of court,” by either recusal or “a written request to the supreme court for the appointment of an ad hoc judge.” La. C.C.P. art. 154(B); *accord Disaster Restoration Dry Cleaning, L.L.C. v. Pellerin Laundry Mach. Sales Co.*, 2005-0715 (La. 4/17/06), 927 So. 2d 1094, 1097 (“Once confronted with valid grounds of recusal, the judge is obligated to either order recusal or refer the case to another judge for a hearing on the motion to recuse.”). Respondent, as the movant, “has the burden to prove that a

recusal is warranted by presenting evidence of a substantial nature and based on more than conclusory allegations.” *Disaster Restoration*, 927 So. 2d at 1097.

### **ARGUMENT**

Chief Judge Johnson’s federal lawsuit against Attorney General Murrill and his accusations preclude him from impartially adjudicating this matter in which Respondent is represented by Attorney General Murrill. Recusal is thus required under Louisiana Code of Civil Procedure articles 151(A)(4) and 151(B) and Code of Criminal Procedure articles 671(A)(1), 671(A)(6), and 671(B).

#### **I. CHIEF JUDGE JOHNSON CANNOT FAIRLY AND IMPARTIALLY ADJUDICATE THIS MATTER BECAUSE OF BIAS AND PREJUDICE.**

Recusal is appropriate most fundamentally because Chief Judge Johnson has sued Respondent’s attorney and, by definition, placed himself in an adversarial posture with the lawyer litigating for one of the parties before him. Under Louisiana law, a “judge ... shall be recused” if “[t]he judge is ... biased or prejudiced ... against ... the parties’ attorneys ... to such an extent that the judge would be unable to conduct fair and impartial proceedings.” La. C.C.P. art. 151(A)(4); *accord* La. C.Cr.P. art. 671(A)(1). In other words, “[i]f he cannot conduct a fair and impartial proceeding because of bias or prejudice, he cannot hear the case.” *Covington v. McNeese State Univ.*, 2010-0250 (La. 4/5/10), 32 So. 3d 223, 224–25. That requires “a finding of actual bias or prejudice,” *id.*, which is evident when the judge has personally “accused the AG’s office of various improprieties,” *id.* at 225.

The Complaint that Chief Judge Johnson filed against Attorney General Murrill is concrete proof of actual bias and prejudice that renders him unable to

conduct fair and impartial proceedings. Chief Judge Johnson himself says that he has been “prejudice[d]” and “affect[ed] adversely” by the Attorney General. Compl. ¶¶ 14, 17. He told the federal court that he believes that Attorney General Murrill “made a conscious choice” and “intentionally” violated his constitutional rights. *Id.* ¶¶ 19, 24. And he accuses her of doing so in an underhanded way—“undermin[ing] federal law and jurisprudence,” *id.* ¶ 19, and acting without “lawful and jurisdictional authority,” *id.* ¶ 13. A judge who has personally accused counsel of intentionally violating his constitutional rights, acting without lawful authority, and deliberately undermining federal law, by his own account, establishes the kind of bias and prejudice that Article 151(A)(4) requires recusal to remedy.

## **II. CHIEF JUDGE JOHNSON’S PENDING FEDERAL LAWSUIT AGAINST THE ATTORNEY GENERAL ALSO CREATES AN APPEARANCE OF IMPROPRIETY REQUIRING RECUSAL.**

Even if the Court finds no actual bias, Chief Judge Johnson must still recuse because his adversity in a federal lawsuit with a lawyer litigating before him would reasonably prevent him from proceeding fairly and impartially in this case. Recusal is mandatory “when there exists a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner.” La. C.C.P. art. 151(B); *accord* La. C.Cr.P. art. 671(B). As the Louisiana Supreme Court has recently explained, under this 2021 amendment, “there may be instances in which actual bias or prejudice cannot be proven, but which nonetheless require the recusal of the judge.” *Adams v. Entergy New Orleans, Inc.*, 2024-00678 (La. 6/18/24), 386 So. 3d 299, 301 (quoting *Anderson v. Dean*, 22-233 (La. App. 5 Cir. 7/25/22), 346 So. 3d 356, 368).

When applying Article 151(B), the court must evaluate the “material, real” and “externally verifiable” evidence to determine whether “a neutral observer would not expect [that basis] to prevent the judge from trying the cause in a fair and impartial manner.” *Anderson*, 346 So. 3d at 369. Practically speaking, “a judge should disqualify himself in a proceeding in which the judge’s impartiality might be reasonably questioned.” *Disaster Restoration*, 927 So. 2d at 1100; *accord* La. C.C.P. art. 151(B) cmt. (“This provision is intended to serve as a catch-all ... and to incorporate a clearer, more objective standard than the language of Canon 3C of the Code of Judicial Conduct...”). In *Anderson*, for example, it was sufficient for recusal that the judge had made “spontaneous comments in open court that he may have to recuse himself” because “[a] judge on the bench questioning his own ability to try the case impartially ... cannot help but undermine public confidence in the judiciary and raised doubts where previously there were none.” 346 So. 3d at 369.

The facts here present a far stronger case for recusal than *Anderson*. Here, the presiding judge has filed a public federal lawsuit against the attorney appearing before him in this matter—and accusing her of intentionally targeting him to violate his constitutional rights. No “neutral observer” could remain comfortable with the mere existence of that lawsuit, let alone its contents, and still expect it not “to prevent the judge from trying the cause in a fair and impartial manner.” *Anderson*, 346 So. 3d at 369. Courts and State Bars across the country agree. *See, e.g., In re Braswell*, 358 N.C. 721, 722, 600 S.E.2d 849, 850 (2004) (judicial sanctions for failure to recuse “when the plaintiff in that case had an unrelated lawsuit pending against” the judge);



Dated: March 18, 2026

Respectfully submitted,

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**[PROPOSED] ORDER**

Considering the foregoing Motion to Recuse,

**IT IS ORDERED** that the Motion to Recuse is **GRANTED**. Chief Judge Don Johnson shall be **RECUSED** from this matter, and it shall be reallocated.

So ordered. Baton Rouge, Louisiana, this \_\_\_ day of March, 2026.

\_\_\_\_\_  
HONORABLE \_\_\_\_\_