UNITED STATES OF AMERICA Before the COMMODITY FUTURES TRADING COMMISSION

3 SANDS LP

V.

CFTC Docket No. 09-R002

MF GLOBAL, INC. and STRATEGY

RUNNER, INC.

ORDER

PAUL CONNOLLY

V.

CFTC Docket No. 09-R027

GREGORY COTTER and TRI-GLOBAL FX,

INC.

ORDER

MEDHAT HEDAYET

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CFTC Docket No. 09-R044

GAIN CAPITAL GROUP, LLC d/b/a

FOREX.COM

ORDER

KEITH ROSSIGNOL

V.

CFTC Docket No. 09-R014

ALARON TRADING CORPORATION d/b/a ALARON FUTURES AND OPTIONS

ORDER

MAGDY and MONA ABOELGHAR

V.

RICHARD LEYTON MULCAHY, R.J. O'BRIEN AND ASSOCIATES, INC. and RM TRADING, LLC

JOHN Y. ABOULGHAR

V.

RICHARD LEYTON MULCAHY, R.J. O'BRIEN ASSOCIATES, INC., and R.M. TRADING, LLC CFTC Docket No. 06-R043
ORDER

CFTC Docket No. 06-R044

ORDER

The Administrative Law Judge ("ALJ") in the above-captioned cases issued a document styled "Notice and Order" ("Notice") in which he announced his unavailability to continue to preside over his docket and requested that his cases be assigned to an administrative law judge detailed from another administrative agency. The ALJ based his request on the fact that he cannot "in good conscience" have the cases assigned to the only other administrative law judge currently at the Commission.

The ALJ lacks authority to make this unusual request. The Notice in substance asks the Commission to disqualify the other ALJ. Under our Rule 12.305, a *party* may ask an ALJ to disqualify himself or an ALJ may disqualify himself. 17 C.F.R. § 12.305. The rule does not provide for one presiding officer to seek the disqualification of another. Nor does the ALJ's unusual request fall within the scope of his general authority "[t]o issue such orders, and take any other actions as are required to give effect to [the Part 12 Reparations Rules]." 17 C.F.R.

§ 12.304 (m). The ALJ's request is denied. The Director of Proceedings shall reassign the cases to the Commission's other judge.

IT IS SO ORDERED.

By the Commission (Chairman GENSLER and Commissioners DUNN, SOMMERS and O'MALIA; Commissioner CHILTON not participating).

David A. Stawick

Secretary of the Commission

Commodity Futures Trading Commission

Dated: October 25, 2010