

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 00-cv-02361-WDM-MEH

WYRICK G. DEANE,

Plaintiff,

v.

MILTON TUCKER, *et al.*,

Defendants.

ORDER OF RECUSAL

Entered by Michael E. Hegarty, United States Magistrate Judge.

After the initiation of this lawsuit, this matter and the other 14 member cases were referred to Magistrate Judge O. Edward Schlatter by Order of the District Court. Upon Magistrate Judge Schlatter's retirement, and upon the recent administrative reopening of these matters (as listed in the Order of Consolidation [Docket #31]), the cases were reassigned to me. Previous to my appointment to the federal bench, I was employed as the Chief of the Civil Division in the United States Attorney's Office, which is counsel for one or more of the parties in this case. In that capacity (through the end of 2005), I was the supervisor for every civil Assistant U.S. Attorney. Moreover, I was counsel of record in these cases for several years.

Pursuant to 28 U.S.C. §455(b)(3), a Magistrate Judge shall disqualify himself under the following circumstances:

Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy.

Consistent with the law, I hereby recuse myself from service in all 15 of the lawsuits¹ which have been consolidated under this lead case. I direct the Clerk of the Court to cause these matters to be reassigned by random draw to another Magistrate Judge.

DATED at Denver, Colorado, this 12th day of February, 2007.

BY THE COURT:

s/ Michael E. Hegarty
Michael E. Hegarty
United States Magistrate Judge

¹These matters are identified as 00-cv-02361-WDM-MEH; 00-cv-02362-WDM-MEH; 00-cv-02363-WDM-MEH; 00-cv-02364-WDM-MEH; 00-cv-02365-WDM-MEH; 00-cv-02366-WDM-MEH; 00-cv-02367-WDM-MEH; 00-cv-02368-WDM-MEH; 00-cv-02369-WDM-MEH; 00-cv-02370-WDM-MEH; 00-cv-02371-WDM-MEH; 00-cv-02372-WDM-MEH; 00-cv-02373-WDM-MEH; 00cv-02374-WDM-MEH; and 00-cv-02394-WDM-MEH.