

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 06-cv-01174-BNB

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MARK A. DIXON, #58202,

JUN 30 2006

Plaintiff,

GREGORY C. LANGHAM
CLERK

v.

BRENT CROUSE, Warden Crowley Corr. Fac.,
LE COUNT, (HSA) Head Service Administrator,
JOHN DOE, (Unknown) Head Clinical Supervisor, Crowley Correctional Facility,
SUTTON, Doctor Crowley County Corr. Fac., Medical Department,
P.A. JUDY,
JANE DOE (Unknown), Physician Assistant, Crowley County Correctional Facility, Medical
Department,
N.P.'s JAMIE & KATHY,
JANE DOE, (Unknown), Nurse Practitioner, Crowley County Correctional Facility, Medical
Department, and
ACCESS CORRECTIONAL CARE (CDOC), P.O. Box 17670, Denver, CO 80217-0670,

Defendants.

ORDER

Section 455, 28 U.S.C., requires that a judge disqualify himself where "his impartiality might reasonably be questioned." The provision is self-enforcing on the part of the judge. United States v. Gigax, 605 F.2d 507, 511 (10th Cir. 1979). "In determining whether a judge should recuse under § 455(a), the issue is not whether the judge is impartial in fact, but rather, whether a reasonable man might question his impartiality." Id.; Webbe v. McGhie Land Title Co., 549 F.2d 1358, 1361 (10th Cir. 1977).

I have concluded that a basis exists in this case upon which my impartiality might reasonably be questioned. Accordingly,

IT IS ORDERED that I hereby disqualify myself from further action in this case. The Clerk of the Court is directed to cause the case to be reassigned to another magistrate judge.

Dated June 30, 2006.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 06-cv-01174-CBS

Mark A. Dixon
Reg. No. 58202
Limon Correctional Facility
49030 State Hwy. 71
Limon, CO 80826

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 6/30/06

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk