

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Case No. 06-cv-01236-REB

ADAM MAYO, on behalf of himself and all others similarly situated,  
WILLIAM RANDELL, III, on behalf of himself and all others similarly situated,

Plaintiffs,

v.

UNITED STATES FOREST OFFICER FNU KROGSTEL, in his official capacity;  
UNITED STATES FOREST OFFICER FNU LAMPE, in his official capacity;  
UNITED STATES FOREST OFFICER FNU BARTON, in his official capacity;  
UNITED STATES FOREST OFFICER FNU FREUND, shield #1662, in his official  
capacity;  
JOHN AND JANE DOE UNKNOWN MEMBERS OF THE UNITED STATES FOREST  
SERVICE, in their official capacities,  
JOHN AND JANE DOE UNKNOWN MEMBERS OF THE UNITED STATES MARSHALL  
SERVICE, in their official capacities,  
UNITED STATES MAGISTRATE JUDGE DAVID WEST, in his official capacity,

Defendants.

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**ORDER OF RECUSAL**

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**Blackburn, J.**

This matter is before me on the court's own motion. For the reasons discussed below, I conclude that I must recuse myself from this case.

As a general rule, recusal is required when "a reasonable person armed with the relevant facts would harbor doubts about the judge's impartiality." ***Maez v. Mountain States Tel. & Tel., Inc.***, 54 F.3d 1488, 1508 (10<sup>th</sup> Cir.1995). 28 U.S.C. § 455 requires recusal when such circumstances arise. ***Hinman v. Rogers***, 831 F.2d 937, 939 - 40 (10<sup>th</sup> Cir.1987). Stated differently, § 455 requires a judge to recuse himself from a case when his participation in the case creates an appearance of impropriety. ***U.S. v.***

**Pearson**, 203 F.3d 1243, 1264 (10<sup>th</sup> Cir. 2000) (citation omitted). However, a “judge should not recuse himself on unsupported, irrational, or highly tenuous speculation.”

**Hinman**, 831 F.2d at 939 - 40 (citation omitted).

I find that my participation in this case may create an appearance of impropriety. Therefore, I conclude that I should recuse myself from this case in an effort to avoid any appearance of impropriety.

**THEREFORE, IT IS ORDERED** as follows:

- 1) That under 28 U.S.C. § 455(a), I **RECUSE** myself from this case; and
- 2) That the Clerk of the Court is directed to randomly draw another district judge to be assigned to this case.

Dated June 28, 2006, at Denver, Colorado.

**BY THE COURT:**

**s/ Robert E. Blackburn**  
**Robert E. Blackburn**  
**United States District Judge**