

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

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLO.

Civil Action No. ~~06-CV-01237~~ *cBS*

JUN 28 2006

JAMES SAINT VELTRI,

GREGORY C. LANGHAM  
CLERK

Plaintiff,

v.

WARDEN DICK SMELSER,  
M.D. S. GARRETT, and  
PSYCHIATRIST M.D. MR. NAVARRO,

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 22, 2006.

BY THE COURT:

  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 06-cv-01237-CBS

James Saint-Veltri  
Prisoner No. 60017  
Crowley County Corr. Facility  
6564 State Hwy. 96  
Olney Springs, CO 81062-8700

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 6-28-06

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk