

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

Civil Action No. **07 - CV - 00328 - CBS**

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MICHAEL C. BROWN, DOC # 61923,

FEB 15 2007

Plaintiff,

GRECCO, J. L. BISHAM  
CLERK

v.

COLORADO DEPARTMENT OF CORRECTIONS,  
CORRECTIONS CORPORATION OF AMERICA, and  
CROWLEY COUNTY CORRECTIONAL FACILITY,

Defendants.

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**ORDER**

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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 February 9, 2007.

BY THE COURT:

  
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United States Magistrate Judge