

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

Civil Action No. ~~07-CV-00379~~ CBS

CLIFFORD SCOTT FISHER,

Plaintiff,

v.

D.R.D.C. MEDICAL DEPT. (Head of),  
DR. OBA @ C.C.C.F.,  
R.N. LAURA DICKINSON@ C.C.C.F.,  
EXECUTIVE WARDEN @ C.C.C.F., and  
MRS. BARRONE (Case MNG [sic] @ C.C.C.F.,

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

FEB 23 2007

CLERK CLERK C. LANGHAM  
CLERK

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 22, 2007.

BY THE COURT:

Byron Bolane  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. **07 - CV - 00379** *CBS*

Clifford Scott Fisher  
Prisoner No. 132108  
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 2/23/07.

GREGORY C. LANGHAM, CLERK

By: *Audrea*

Deputy Clerk