

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

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. **07 - CV - 00545 - CBS**

MAR 20 2007

GREGORY J. LANGHAM
CLERK

JOHNNY A. MONTOYA,

Plaintiff,

v.

~~STEVE HARGETT,~~
RANDY MARTINEZ,
ANGELA ALCON,
SHERRI VAN METER, and
JANE & JOHN DOES "I through X,"

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 March 15, 2007.

BY THE COURT:


United States Magistrate Judge