

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00654-WYD-MEH

UNITED STATES OF AMERICA,

Plaintiff,

v.

LESLIE M. JOY, and
JOHN MICHAEL JOY,

Defendants.

ORDER OF RECUSAL

Entered by Michael E. Hegarty, United States Magistrate Judge.

Pursuant to 28 U.S.C. §455(a), a Magistrate Judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” Because I am close friends with Mark S. Pestal, counsel of record for the Plaintiff, I will recuse myself. *See United States v. Murphy*, 768 F.2d 1518 (7th Cir. 1985) (if an objective observer reasonably could question the ability of the judge to act with disinterest and aloofness based upon a friendship with the prosecutor, recusal is appropriate). Consistent with this case law, I hereby recuse myself from service in this matter. I direct the Clerk of the Court to cause this matter to be reassigned by random draw to another Magistrate Judge.

DATED at Denver, Colorado, this 12th day of April, 2007.

BY THE COURT:

s/ Michael E. Hegarty
Michael E. Hegarty
United States Magistrate Judge