

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

Civil Case No. 07-cv-02248-PAB-BNB

JACK WILSON, individually and as Personal Representative of the Plaintiff,
ESTATE OF RYAN WILSON,

Plaintiff,

v.

CITY OF LAFAYETTE, a municipality,
JOHN HARRIS, individually and in his official capacity as an officer of the Lafayette Police
Department, and
TASER INTERNATIONAL, INC., an Arizona corporation.

ORDER OF RECUSAL

Section 455, 28 U.S.C., requires that a judge must disqualify or recuse 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 under all circumstances.” Id.; Webbe v. McGhie Land Title Co., 549 F.2d 1358, 1361 (10th Cir. 1977).

Circumstances have arisen upon which my impartiality in this case might reasonably be questioned. Accordingly,

IT IS ORDERED that I hereby recuse myself from further service in this case.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to cause this case to be reassigned by random draw to another magistrate judge.

Dated February 26, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge