

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Criminal Action No. 08-cv-00539-PAB

PEYMAN R. BAHADORI,

Plaintiff,

v.

KEVIN MILYARD, Warden, Sterling Correctional Facility, and
JOHN SUTHERS, Attorney General of the State of Colorado,

Defendants.

ORDER OF RECUSAL

This matter is before me on review of the file. In my prior position as an assistant United States attorney in the U.S. Attorney's Office for the District of Colorado, I represented the government in *United States of America v. Peyman Bahadori*, Criminal Case No. 02-1192M. The factual bases of the charges in that case are the same as the Denver District Court convictions that are the subject of petitioner's habeas corpus application in this case. On August 29, 2002, the Court granted the government's motion to dismiss the complaint in Case No. 02-1192M on the grounds that the Denver District Attorney's Office filed charges against Mr. Bahadori based upon the same conduct and therefore the United States was deferring to state prosecution. As a result, pursuant to 28 U.S.C. § 455(a), my impartiality might reasonably be questioned. I therefore must recuse myself from this case. It is

ORDERED that the judge's file be returned to the clerk's office for the case to be reassigned.

DATED June 7, 2010.

BY THE COURT:

s/Philip A. Brimmer _____
PHILIP A. BRIMMER
United States District Judge