

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 08-CV-02278-LTB-MJW

TIMOTHY MASTERS,

Plaintiff,

v.

TERRENCE A. GILMORE, et al.

Defendants.

ORDER OF RECUSAL

Michael J. Watanabe, Magistrate Judge

This case is before the Court pursuant to an Order of Reference from Senior District Judge Lewis T. Babcock dated January 23, 2009. See docket no. 37. In reviewing this case, this Court finds that the named Defendant, Jolene C. Blair, is being represented by Kevin Kuhn, Esquire, from the law firm of Wheeler Trigg Kennedy, LLP. Magistrate Judge Michael J. Watanabe discloses that he has previously been employed as an attorney for the law firm of Montgomery Little Young Campbell & McGrew, P.C. n/k/a Montgomery Little Soran & Murray, P.C. and worked very closely on a number of cases with Kevin Kuhn, Esquire, when we were both employed by that law firm. Moreover, Magistrate Judge Watanabe does frequently socialize with Mr. Kuhn. The Court further notes that Mr. Kuhn has entered his appearance on behalf of Defendant, Jolene C. Blair.

Accordingly, pursuant to 28 U.S.C. § 455 the undersigned recuses himself for services in the above captioned matter since this Court's impartiality might reasonably

be questioned. This Court directs that this case be returned to the Clerk of Court for reassignment by random draw for a new Magistrate Judge.

Dated this 26TH day of January 2009, in Denver, Colorado.

BY THE COURT

S/Michael J. Watanabe
MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE