

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

Civil Action No. 08-cv-02327-WYD-BNB

ELIAS EDWARD CASILLAS,

Plaintiff,

v.

PAUL M. BEACH, Edgewater, Colorado Police Officer, individually and in his official capacity,
CATHLEEN LOVATO, Edgewater, Colorado Police Sgt., individually and in her official
capacity,
MATTHEW REIERSON, Edgewater, Colorado Police Officer, individually and in his official
capacity,
MIKE MARCHESE, Edgewater, Colorado Police Commander, individually and in his official
capacity,
DAN KEOUGH, Edgewater, Colorado Police Captain, individually and in his official capacity,
EDGEWATER POLICE DEPARTMENT,
ASHLEY AUGUSTIN, Duty DA Jefferson County Colorado, individually and in her official
capacity,
ALEXIS KING, Duty DA Jefferson County Colorado, individually and in her official capacity,
SCOTT STOREY, District Attorney, Jefferson County Colorado, individually and in his official
capacity,
PAULA ODEN, First Judicial Managing Clerk Reporter, individually and in her official
capacity,
XYZ companies I through X; and
JOHN DOES and JANE DOES I through X,

Defendants.

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