

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

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 09-cv-00350-BNB

MAR 30 2009

ANDRE J. TWITTY,
Plaintiff,

GREGORY C. LANGHAM
CLERK

v.

ZITA L. WEINSHIENK - USDC Judge (Den),
BOYD N. BOLAND - U.S. Magistrate Judge (Den),
GREGORY C. LANGHAM - (USDC) Clerk (Den),
NFN AUDRA - Clerk (USDC) (Den), Federal Employee,
CHIEF JUDGE TACHA - U.S. Circuit Judge (10th Circuit) (Den), Federal Employee,
LEWIS T. BABOCK, U.S. Circuit Judge (10th) Den, Federal Employee,
PAUL J. KELLY - U.S. Circuit Judge (10th) (Den), Federal Employee,
NFN MCCONNELL - U.S. Circuit Judge (10th) (Den), Federal Employee,
ELISABETH A. SHUMAKER - Clerk 10th Circuit, 1823 Stout St., Denver, CO 80257,
CHRISTINE VAN CONEY - Staff Attorney, 10th Circuit, 1823 Stout St., Denver,
CO 80257,
DOUGLAS E. CRESSLER - Chief Deputy Clerk, 10th Circuit, 1823 Stout St., Denver,
CO 80257,
MIKE MUKASEY - Former U.S. Attorney Gen., U.S.D.O.J., 10th, Constitution Ave.
N.W., Wash. D.C. 20530,
ALBERTO GONZALEZ - Former U.S. Attorney Gen. U.S.D.O.J., 10th, Constitution Ave.
N.W., Wash D.C. 20530,
HARLEY G. LAPPIN - B.O.P. Dir., 320 First N.W. Wash D.C. 20534,
HARRELL WATTS - B.O.P. Clerk, 320 First N.W., Wash. D.C. 20534,
MIKE NALLEY - B.O.P. Regional Dir., 400 State St., K.C. KS 66101
NFN FIELDS - BOP Clerk, 400 State St., K.C. KS 66101,
RONNIE WILEY - Warden FLM, POB 8500, Florence, CO 81226-8500,
NFN FOX - Assoc. Warden FLM, POB 8500, Florence, CO 81226-8500,
UNKNOWN EXECUTIVE ASST. FLM, POB 8500, Florence, CO 81226-8500,
UNKNOWN CAPTAIN FLM, POB 8500, Florence, CO 81226-8500,
M. CHURCH, Captain FLM, POB 8500, Florence, CO 81226-8500,
D.J. KRIST - SIA FLM, POB 8500, Florence, CO 81226-8500,
ALL UNKNOWN SIS INVESTIGATORS, FLM, POB 8500, Florence, CO 81226-8500,
UNKNOWN MEDICAL FLM, POB 8500, Florence, CO 81226-8500,
DAVID M. LETA - Asst. U.S. Attorney, 1800 (Ste) 75 Spring St. S.W., Atlanta,
GA 30301,
TROY EID, U.S. Attorney, 1225 17th St., Ste. 700, Denver, CO 80202, all in their
individual capacities,
Defendants.

ORDER OF RECUSAL

This matter is before me on the motion for recusal filed with the Court on March 5, 2009, by the Plaintiff.

Title 28 U.S.C. § 455(a) requires that a judge 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). Under § 455(b)(5)(i), a judge must recuse himself when he is a party to the proceeding. *Young v. United States*, No. 07-1314, 2009 WL 624076, slip op. at *7 (10th Cir. Mar. 12, 2009)

After reviewing the case file, I conclude that I should recuse myself from further service in this case. Accordingly,

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

IT IS FURTHER ORDERED that the clerk of the Court shall cause this case to be reassigned to another magistrate judge.

DATED March 30, 2009, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-00350-BNB

Andre J. Twitty
Reg. No. 18558-018
ADX – Florence
PO Box 8500
Florence, CO 81226-8500

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3/30/09

GREGORY C. LANGHAM, CLERK

By: _____


Deputy Clerk