

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Craig B. Shaffer**

Civil Action No. 09-cv-01681-WYD-CBS

ISABELLE PEREZ, a Minor, by and through her Mother and Conservator,  
CYNTHIA CARDENAS,

Plaintiff,

v.

JOAN HENNEBERRY,  
in her individual and official capacity as the Executive Director of the COLORADO  
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, and  
GARY H. ASHBY,  
individually and in his official capacity as  
Manager of the Benefits Coordination Section in the  
COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING,

Defendants.

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**ORDER OF RECUSAL**

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Magistrate Judge Craig B. Shaffer

This matter was drawn to me upon the filing of the Complaint on July 15, 2009. Pursuant to the Order of Reference dated July 28, 2009 (doc. # 5), this civil action was referred to the Magistrate Judge to, inter alia, “[h]ear and determine pretrial matters, including discovery and other nondispositive motions . . . .”

In accordance with 28 U.S.C. § 455(a), a Magistrate Judge shall disqualify himself “in any proceeding in which his impartiality might be reasonably be questioned.” Because a direct family member of my staff has previously been employed by the Defendants and in order to avoid the appearance of impropriety, I hereby recuse myself from this action. The Clerk of

Court shall assign another magistrate judge to this case.

DATED at Denver, Colorado, this 4<sup>th</sup> day of August, 2009.

BY THE COURT:

*s/Craig B. Shaffer*

Craig B. Shaffer

United States Magistrate Judge