

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

Civil Action No. 09-cv-02053-CMA-BNB

AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY, a Missouri corporation,

v.

JEFFERY H. USCIER, an individual,
JEFF USCIER AGENCY, INC., a Colorado corporation,
KENNETH R. FARRAR, an individual, and
TEAM INSURANCE COLORADO, LLC, a Colorado limited liability company,

Defendants.

ORDER

Section 455, 28 U.S.C., 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).

Circumstances exist 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 matter.

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 September 21, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge