

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

Civil Action No. 09-cv-02288-BNB

KEITH FRAZIER,

Plaintiff,

v.

ARISTEDES ZAVARAS, Executive Director, CDOC,
CORRECTIONS CORPORATION OF AMERICA,
DICK SMELSER, Warden, CCCF,
MATTHEWS, Officer, CCCF,
JONES, Officer, CCCF,
HERNANDEZ, Officer, CCCF,
BACA, Sgt., CCCF,
CHAVEZ, Unit 3 Manager, CCCF,
HERNANDEZ, Grievance Coordinator, CCCF,
WILSON, Assistant Warden, CCCF,
RAMIREZ, Case Manager, CCCF,
ANTHONY DeCESARO, Step 3 Grievance Officer, CDOC,
SELMAN, Chief of Security, CCCF,
TINA GURULE, Private Prisons Monitoring Unit Liaison, CDOC,
BONNER, Chief of Unit Management, CCCF,
DENVER RECEPTION & DIAGNOSTIC CENTER, CDOC,
BALLAGE, Mental Health Coordinator, CCCF,
PLAGGE, Mental Health Coordinator, CCCF,
NAVARRO, Mental Health Coordinator, CCCF,
PACINO, Officer, CCCF,
MONTROYA, Lt., CCCF,
TINA FRAKER, Grievance Coordinator, CCCF,
REGAN, Control Room Officer, CCCF,
BETHUNE, Floor Officer, CCCF,
FISH, Cpt., CCCF,
CUMBY, Control Room Officer, CCCF,
QUINTANA, Officer, CCCF,
VILLA, Sgt., CCCF,
BARNES, Control Room Officer, CCCF,
ROOK, Floor Officer, CCCF,
CASTELLIE, Cpt., CCCF, and
WILLBANK, Sgt., CCCF,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

OCT 02 2009

GREGORY C. LANGHAM
CLERK

ORDER OF RECUSAL

Section 455(a), 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).

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 October 2, 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-02288-BNB

Keith Frazier
Prisoner No. 114542
Bent County Correctional Facility
11560 Road FF.75
Las Animas, CO 81054-9573

Robert C. Huss
Assistant Attorney General
DELIVERED ELECTRONICALLY

Edmund M. Kennedy
Attorney at Law
DELIVERED ELECTRONICALLY

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 10/2/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk