

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00318-REB-MEH

VICTOR DARNELL HADNOT,

Plaintiff,

v.

JOHN McHUGH, Secretary of the Army,

Defendant.

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**ORDER OF RECUSAL**

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Pursuant to 28 U.S.C. §455(b)(5), a Magistrate Judge shall disqualify himself under the following circumstance:

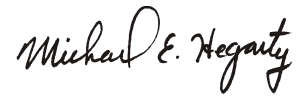
He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such person

- (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
- (ii) Is acting as a lawyer in the proceeding;
- (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
- (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

In this case, I have presided over settlement discussions from which the Plaintiff now seeks to bring claims against me. *See* docket #38. I have determined that it is possible I may be named as a party in this proceeding or may be a material witness in the proceeding. Consequently, in an effort to serve the ends of justice and to avoid any appearance of impropriety, I hereby recuse myself from service in this matter. I direct the Clerk of the Court to cause this matter to be reassigned by random draw to another Magistrate Judge.

DATED at Denver, Colorado, this 27th day of September, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial "M" and a stylized "H".

Michael E. Hegarty  
United States Magistrate Judge