

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 10-cv-00357-CMA-MEH

MARCO A. ROCHA,

Plaintiff,

v.

S. TWILLEGGER, in an individual capacity,

Defendant.

ORDER DENYING MOTION FOR RECUSAL

This matter is before the Court on Plaintiff's Motion for Recusal (Doc. # 80).

For the following reasons, Plaintiff's Motion is DENIED.

A judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The goal of this provision is to avoid even the appearance of impropriety. *See Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 860 (1988). Pursuant to § 455(a), a court is not required to accept all factual allegations as true, "and the test is whether a reasonable person, knowing all the relevant facts, would harbor doubts about the judge's impartiality." *Glass v. Pfeiffer*, 849 F.2d 1261, 1268 (10th Cir. 1988) (internal quotations omitted). The standard is wholly objective, and the inquiry is limited to outward manifestations and reasonable

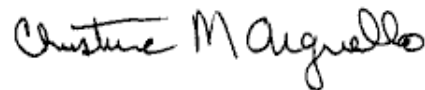
inferences drawn therefrom. See *United States v. Cooley*, 1 F.3d 985, 993 (10th Cir. 1993).

Subsection (b) of § 455 sets forth more particularized situations in which a judge must disqualify herself, see *Liljeberg*, 486 U.S. at 871, none of which applies to the instant action. Plaintiff has made no showing that reasonably questions this Court's impartiality. Instead, Plaintiff merely disagrees with the Court's rulings in this case and a prior case that was dismissed with prejudice. See *Rocha v. CCCF Admin.*, No. 09-cv-01432, 2010 WL 1333185 (D. Colo. Apr. 2, 2010). A litigant's disagreement with judicial rulings is insufficient to demonstrate that disqualification is appropriate pursuant to § 455(a) or (b). See *Liteky v. United States*, 510 U.S. 540, 555 (1994) (“[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion.”).

Accordingly, Plaintiff's Motion for Recusal (Doc. # 80) is DENIED.

DATED: June 21, 2011

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge