

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

Civil Action No. 10-cv-00484-BNB

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

COUNSELOR MADISON,  
UNIT MANAGER COLLINS,  
DEBORAH A. LOCKE,  
BOYD BOLAND,  
ZITA WEINSHIENK, and  
MS. MACK,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

MAR 09 2010

GREGORY C. LANGHAM  
CLERK

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ORDER OF RECUSAL

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Under 28 U.S.C. § 455(a), a judge is required to 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 (10<sup>th</sup> 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 (10<sup>th</sup> Cir. 1977). Furthermore, under § 455(b)(5)(i), a judge must recuse himself when he is a party to the proceeding. *Young v. United States*, 316 Fed. Appx. 764, 772-73 (10<sup>th</sup> Cir. Mar. 12, 2009).

After reviewing the case file, I conclude that I am compelled under *Young v. United States, supra*, to 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 March 9, 2010, 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

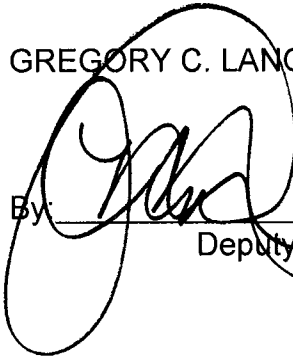
**CERTIFICATE OF MAILING**

Civil Action No. 10-cv-00484-BNB

Timothy Doyle Young  
Reg. No. 60012-001  
ADX – Florence  
PO Box 8500  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 3/9/10.

GREGORY C. LANGHAM, CLERK

By:   
Deputy Clerk