

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01397-MSK-CBS

DARRELL STOFFELS,

Plaintiff,

v.

CHRISTINE M. ARGUELLO, and  
MICHAEL E. HEGARTY,

Defendants.

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**ORDER OF RECUSAL**

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This matter has been assigned to me upon the recusal of Magistrate Judge Kathleen M. Tafoya (*doc. # 5*) on June 30, 2010. Title 28 U.S.C.A. § 455(a) provides, “(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” *See United States v. Pearson*, 203 F.3d 1243, 1264 (10th Cir. 2000). However, a “judge should not recuse himself on unsupported, irrational, or highly tenuous speculation.” *Hinman v. Rogers*, 831 F.2d. 937, 939 (10th Cir. 1987).

Plaintiff initiated a separate but related 42 U.S.C. §1983 action on April 14, 2010, in which I am a named defendant. *See* Civil Action No. 10-cv-00840-MSK-MJW. I feel that it would be improper for me oversee case management in this case, knowing that I am a defendant in Plaintiff’s other civil case.

Accordingly, I hereby recuse myself from service in this civil matter. The Clerk of Court shall assign another magistrate judge to this case.

DATED at Denver, Colorado, this 1<sup>st</sup> day of July, 2010.

BY THE COURT:

*s/Craig B. Shaffer*  
Craig B. Shaffer  
United States Magistrate Judge