

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.

ORDER OF RECUSAL

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 1st day of July, 2010.

BY THE COURT:

s/Craig B. Shaffer

Craig B. Shaffer
United States Magistrate Judge