

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 11-cv-00247-REB-CBS

R. DAVID MULLIN,
JOHN DOE #1,
JOHN DOE #2,
JOHN DOE #3,
JOHN DOE #4, and
THE MILITARY RELIGIOUS FREEDOM FOUNDATION, a corporate entity,

Plaintiffs,

v.

LT. GEN. MICHAEL C. GOULD, Superintendent, U.S. Air Force Academy, in his official capacity,

Defendant.

ORDER OF DISQUALIFICATION

Blackburn, J.

The matter is before me *sua sponte*. My nexus with the United States Air Force Academy is such that my impartiality might reasonably be questioned, and the appearance of impropriety may very well exist, warranting the *sua sponte* recusal and disqualification of the court as required by 28 U.S.C. § 455(a)¹ and Canon 3C(1) of the Code of Conduct for United States Judges, 175 F.R.D. 364, 368 (1998).

THEREFORE, IT IS ORDERED as follows:


1. That the undersigned district judge is disqualified from presiding or acting further in this case; and

¹ The standard for impartiality under 28 U.S.C. § 455(a) is an objective one, requiring recusal only "if a reasonable person, knowing all the relevant facts, would harbor doubts about the judge's impartiality." *United States v. Cooley*, 1 F.3d 985, 993 (10th Cir. 1993) (citations omitted).

2. That this case shall be reassigned as provided by D.C.COLO.LCivR 40.1.

Dated February 2, 2011, at Denver Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge