

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02953-WYD-MEH

JAMES NELSON, and
ELIZABETH VARNEY,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER OF RECUSAL

Michael E. Hegarty, United States Magistrate Judge.

Pursuant to 28 U.S.C. §455(a), a Magistrate Judge shall disqualify himself under the following circumstance:

Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

In my former employment with the U.S. Department of Justice, I developed a close professional relationship with Mark Pestal, who has recently entered his appearance as defense counsel in this case. Although I do not have an actual bias or prejudice in this matter, my impartiality might be reasonably questioned. Consequently, in an effort to serve the ends of justice and to avoid any appearance of impropriety, I hereby recuse myself from service in this matter. I direct the Clerk of the Court to cause this matter to be reassigned by random draw to another Magistrate Judge.

DATED at Denver, Colorado, this 27th day of November, 2013.

BY THE COURT:

Michael E. Hegarty

Michael E. Hegarty
United States Magistrate Judge