

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 11-cv-03173-REB-KMT

THERESA L. DOWLING,

Plaintiff,

v.

XCEL ENERGY,

Defendant.

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**ORDER OF RECUSAL**

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This matter comes before me *sua sponte*. To eschew the appearance of impropriety, I conclude that I must recuse myself from this case.

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).

One of my family members owns stock in Xcel Energy. Under these circumstances, the court’s impartiality might reasonably be questioned.

Therefore, it is **ORDERED**:

Pursuant to 28 U.S.C. § 455(a), I hereby **RECUSE** myself from all further involvement in this case. The Clerk's Office shall randomly draw and assign another Magistrate Judge to this case.

Dated this 30th day of December, 2011.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Kathleen M. Tafoya", written in a cursive style.

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Kathleen M. Tafoya  
United States Magistrate Judge