

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01483-REB-MEH

ELIZABETH WOJDACZ,

Plaintiff,

v.

COLORADO SPRINGS CITY POLICE DEPARTMENT,
COMMANDER BRIAN GRADY,
OFFICER JOHN IRELAND,
PATRICK MILLER,
PENROSE ST. FRANCIS HEALTHCARE,
GARY LEE NORMAN,
MICHAEL J. DUNCAN, and
CLIFF HUDSON,

Defendants.

ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge.

Before the Court is Plaintiff's Opposed Motion to Recuse Federal Magistrate [Judge] Michael E. Hegarty [[filed April 1, 2013; docket #151](#)]. This is Plaintiff's second request for recusal. (*See* docket #103.) I reviewed the first motion and determined that recusal was not warranted. (Docket #107.) Upon review of the instant motion, I reach the same conclusion.

In lieu of any facts or argument, Plaintiff's motion simply asserts that "recusal is now MANDATORY due to Plaintiff filing information with the Department of Justice" concerning my conduct in this case. (Docket #151 at 1.) The Court finds, and Plaintiff cites, no authority for this proposition. However, I will again consider her motion under the appropriate standard of 28 U.S.C. § 455(a), which provides, in pertinent part, "[a]ny . . . magistrate judge of the United States shall

disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”

The standard for impartiality under 28 U.S.C. § 455 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). In this case, recusal is not appropriate. Based on bare assertions presented in Plaintiff’s recent motion, she has not demonstrated that a reasonable person would question my impartiality. Plaintiff may be displeased with my rulings; however, “adverse rulings cannot in themselves form the appropriate grounds for disqualification.” *Green v. Branson*, 108 F.3d 1296, 1305 (10th Cir. 1997). Plaintiff’s arguments are an insufficient basis for recusal. *See United States v. Greenspan*, 26 F.3d 1001, 1005 (10th Cir. 1994) (holding that a judge has just as strong a duty to sit when there is no legitimate reason to recuse as he does to recuse when the law and facts require).

Accordingly, for the reasons stated above, Plaintiff’s Opposed Motion to Recuse Federal Magistrate [Judge] Michael E. Hegarty [filed April 1, 2013; docket #151] is **denied**.

Dated and entered this 3rd day of April, 2013, in Denver, Colorado.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge