

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03231-PAB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

ANDREW KEEFER, in his individual capacity,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter comes before me on Plaintiff Dean Carbajal's Motion for Change of Judge Based on the Recent Discovery of Judge Philip Brimmer's Extrajudicial Bias [Docket No. 334], wherein plaintiff seeks my recusal from this case. Plaintiff filed a nearly identical motion in *Carbajal v. Lucio et al.*, No. 10-cv-02862-PAB-KLM, Docket No. 904, which I denied. *Id.*, Docket No. 918. I will deny plaintiff's present motion for substantially the same reasons. Neither my acquaintance with members of the Denver District Attorney's Office nor the fact that plaintiff previously sued an attorney at the law firm of Holland & Hart, where my sister is a partner, constitutes a ground for disqualification under 28 U.S.C. §§ 144 or 455. See *Carbajal v. Lucio et al.*, No. 10-cv-02862-PAB-KLM, Docket No. 918 at 2-3, 6. First, "[j]udges are not required to recuse when they have merely a casual relationship with a victim, attorney, witness, or litigant appearing before the court; occupying the bench does not require withdrawal from society." *Bragg v. Chavez*, 2007 WL 5685116, at *3 (D.N.M. Nov. 9, 2007). Second, plaintiff's assertion that I am "set on excluding testimony from Morrissey and evidence related to the abuses committed by these parties" pertains to my rulings in a different case and is therefore irrelevant to the present motion. Docket No. 334 at 2; see also *Carbajal v. Lucio et al.*, No. 10-cv-02862-PAB-KLM, Docket No. 918 at 2-3 (discussing reasons for denying plaintiff's request for issuance of trial subpoena for Mr. Morrissey). Third, Michael Carrigan, the attorney from Holland & Hart, was dismissed from this lawsuit in 2014 by a different judge. See Docket No. 198. Accordingly, the fact that plaintiff named Mr. Carrigan as a defendant in this action does not support plaintiff's claims of bias. Finally, plaintiff's claim that I am biased against him because plaintiff's pending lawsuit against Holland & Hart in the Denver District Court will impact my sister's "financial interest and reputation," see Docket No. 334 at 2-3, 8, amounts to "unsupported, irrational, or highly tenuous speculation" and is thus an insufficient basis for recusal. *Hinman v. Rogers*, 831 F.2d 937, 939 (10th Cir. 1987). For these

reasons, and the reasons stated in my prior order, *Carbajal v. Lucio et al.*, No. 10-cv-02862-PAB-KLM, Docket No. 918, it is

ORDERED that Plaintiff Dean Carbajal's Motion for Change of Judge Based on the Recent Discovery of Judge Philip Brimmer's Extrajudicial Bias [Docket No. 334] is DENIED.

DATED April 18, 2018.