

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

Civil Action No. 13-cv-01738-REB

ELIZABETH WOJDACZ,

Plaintiffs,

v.

ROBERT E. BLACKBURN, et al.

Defendants.

ORDER OF RECUSAL

Blackburn, J.

The matter is before me *sua sponte*. For the reasons discussed below, I conclude that I must recuse myself from this case.

Under 28 U.S.C. § 455, a judge must recuse himself when “a reasonable person, knowing all the facts, would harbor doubts about the judge’s impartiality.” ***Bryce v. Episcopal Church in the Diocese of Colorado***, 289 F.3d 648, 659 (10th Cir. 2002) (citation omitted). Proof of actual bias is not necessary; recusal is required if the facts, from an objective perspective, admit of the appearance of bias. ***Id.***; ***Salt Lake Tribune Publishing Co. v. AT & T Corp.***, 353 F.Supp.2d 1160, 1172 (D. Utah 2005).

Nevertheless, “section 455(a) must not be so broadly construed that it becomes, in effect, presumptive, so that recusal is mandated upon the merest unsubstantiated suggestion of personal bias or prejudice.” ***United States v. Hines***, 696 F.2d 722, 729 (10th Cir. 1982); **see also *Bryce***, 289 F.3d at 659. Instead, “[d]isqualification for lack of impartiality must have a *reasonable* basis.” **See *Jackson v. Fort Stanton Hospital***

and Training School, 757 F.Supp. 1231, 1240 (D.N.M. 1990) (quoting H.R. Rep. No. 93-1453, 93rd Cong., 2nd Sess., 1974 U.S.C.C.A.N. 6351, 6355) (emphasis in original).

I am named as a defendant in this case. Given that circumstance, I conclude that I should recuse myself from this case in an effort to avoid any appearance of impropriety.

THEREFORE, IT IS ORDERED as follows:

1. That under 28 U.S.C. § 455(a), I **RECUSE** myself from this case; and
2. That under D.C.COLO.LCivR 40.1, the clerk of the court shall randomly draw another district judge to be assigned to this case.

Dated July 8, 2013, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge