

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 15-cv-0034-WJM

GEORGE MOORE,

Plaintiff,

v.

ELIAS DIGGINS, in his official capacity as Acting Sheriff of the Denver Sheriff Department, and in his individual capacity;
RN ZIMMER, in her official capacity as Denver Health Medical Center Intake RN of the Denver Sheriff Department, and in her individual capacity;
DR. CHRISTIAN STOB, in his official capacity as Denver Health Medical Center Doctor of the Denver Sheriff Department, and in his individual capacity;
CARMAN KASSETY, in her official capacity as Denver Health Medical Center Supervisor of the Denver Sheriff Department, and in her individual capacity;
DENVER HEALTH MEDICAL CENTER, in its official capacity as contract employees of the Denver Sheriff Department;
DENVER SHERIFF DEPARTMENT, in their official capacity as Superintendents of the Inmate population;

Defendants.

ORDER OF RECUSAL

This matter comes before the Court on the Motion for Order of Recusal by Defendants "RN Zimmer," Dr. Christian Stob, Carmen Kassetty, and Denver Health Medical Center (ECF No. 47). The Court having reviewed the Motion and being fully advised hereby ORDERS as follows:

The Defendants' Motion is GRANTED.

Section 455(a) of Title 28 of the United States Code states that "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." A United States

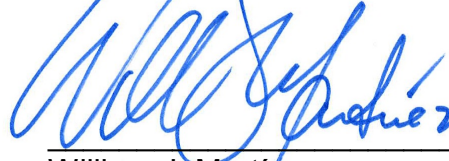
judge must recuse himself when there is an appearance of bias, regardless of whether there is actual bias. *Nichols v. Alley*, 71 F.3d 347, 350 (10th Cir. 1995). The test is whether a reasonable person, knowing all the relevant facts, would harbor doubts about the judge's impartiality. *Hinman v. Rogers*, 831 F.2d 937, 939 (10th Cir. 1987).

The Amended Complaint makes allegations regarding violations of the Plaintiff's constitutional rights by the Defendants RN Zimmer, Dr. Christian Stob, Carman Kassety, and Denver Health Medical Center. My wife, Judith C. Shlay, M.D., is employed by Denver Health in a senior management position. On these facts, I find that a reasonable person would harbor doubts about my impartiality. As a result, recusal is required by 28 U.S.C. § 455(a), and I hereby recuse myself from this case. It is therefore

ORDERED that the Judge's file be returned to the Clerk's office for the case to be reassigned by random draw.

Dated this 15th day of March, 2016.

BY THE COURT:



William J. Martínez
United States District Judge