

Michael E. Spreadbury
P.O. Box 416
Hamilton, MT 59840
Telephone: (406) 363-3877
mspread@hotmail.com

FILED
OCT 26 2011
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

Pro Se Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MICHAEL SPREADBURY
Plaintiff

)Cause No: 9:11-cv-11-64-DWM-JCL

)

v.

)

THIRD REQUEST

BITTERROOT PUBLIC LIBRARY,

)

MOTION FOR RECUSAL

CITY OF HAMILTON,

)

US DISTRICT JUDGE

LEE ENTERPRISES, INC.,

)

MALLOY, US

BOONE KARLBERG, PC,

)

MAGISTRATE LYNCH

)

Comes now Spreadbury with prior sworn affidavit, motion, brief in support
recusal of Federal Jurists Donald W. Malloy, Jeremiah C. Lynch in this case.

Motion:

Spreadbury moves for recusal of US Judge Malloy, for admitted financial conflict,
Magistrate Lynch recusal for known impartiality, conflict 28 USC s. 455 *et. seq.*.

Defense counsel opposes this motion.

Brief in Support:

Spreadbury served on this honorable court Motion for Recusal May 2, 2011 (TR.# 17). An affidavit in support was filed with the motion, containing recusal issues per 28USC§ 455 et. seq. Any Judge of the US courts shall disqualify themselves from any proceeding which his partiality might reasonably be questioned *Liljeberg v. Health Services Acq. Corp.* 486 US at 488 (1988).

Spreadbury has matter pending in 9th Circuit Court of Appeals *Spreadbury I*. US Magistrate Lynch, has conflict of interest where former clinic attendee and law student, Angela Wetzsteon attended a University of Montana law clinic directed by the Honorable Magistrate Lynch. The Angela Wetzsteon issue is a extrajudicial source as US District Judge Malloy sits on the University of Montana Board of Visitors, paid influence which requires recusal per 28 USC§455 b et. seq. *US v. Azhocar* 581 F. 2d 735 739 (9th cir., 1978). Judge Malloy in the aforementioned admitted to membership in the UM law board of Visitors, his likeness is in Exhibit B attached. The bias in this case is so evident when fundamental rights such as peaceful assembly are denied by Malloy, Lynch *inter alia Liteky v. US* 114 s. Ct. 1147 (1994).

Angela Wetzsteon's clinic work within the US District Court Missoula Division did not occur within the course of the judicial proceedings, but affects the outcome

with obvious bias *Liteky*. With a combination of factors in good cause, Spreadbury requests recusal of US Magistrate Judge Lynch as Wetzsteon's clinic director *US v. Olander 584 F. 2d 876 (9th Cir. 1978)*. With information contained herein, affidavit of Spreadbury within *Motion for Recusal (TR. # 17) May 4, 2011* appearance of actual bias allows recusal *Preston v. US 923 F. 2d 731 (9th Cir. 1991)*. Recusal of US Magistrate Judge Lynch from aforementioned proper 28 USC§ 455 et. seq.; US Judge Malloy recusal is required by 28USC§ 455 b et. seq., paid influence, well established lawful authority cited herein.

Certificate of Compliance

From LR 7(d)(2)(E) US District Court Rules Montana, I certify that this brief conforms with 14 point font, New Times Roman typeface, is double spaced, contains 382 words excluding title page, this compliance.

Respectfully submitted this 24th ^{October} day of ~~May~~, 2011

BY: _____

Michael E. Spreadbury, Pro Se Plaintiff

Exhibit A: Second request for recusal US Magistrate Lynch (3 pg).

Exhibit B: Picture of University of Montana Board of Visitors, Judge Malloy