

Michael E. Spreadbury
700 S. 4th Street
Hamilton, MT 59840
Telephone: (406) 363-3877
mspread@hotmail.com

Pro Se Plaintiff

FILED

NOV 16 2011

CLERK, U.S. DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA

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

MICHAEL E. SPREADBURY) Cause No: CV-11-64-DWM-JCL
Plaintiff)

v.)

BITTERROOT PUBLIC LIBRARY,) **LEAVE FILE**
CITY OF HAMILTON,) **MOTION, BRIEF IN**
LEE ENTERPRISES, INC.,) **SUPPORT FOR RECUSAL**
BOONE KARLBERG, PC,)
_____)

Comes now Plaintiff with leave file to move court for removal of US Judges for conflict, paid conflict of interest in the aforementioned.

Motion:

Plaintiff moves US Judges remove themselves due to conflict 28 USC§455 *et. seq.*

Brief in Support

Plaintiff, in accordance with local Rule 7.3 requests leave for motion for recusal of Jurists Lynch, Malloy in this US District Court; new information that has arisen in the aforementioned. Judicial notice of a Transcript of the Wetzsteon case DV-10-222 Montana 21st Judicial district was brought into case by Defendant Lee in TR. # 124 Exhibit D; Lee falsely attributed Spreadbury's speech at the August 6, 2010 argument before Montana District Judge Larson in an August 9, 2010 Lee Enterprise article published by Defendant Ravalli Republic. Defendant Lee publishes in the article that Spreadbury believed Angela Wetzsteon was supervised as a Montana law student August 8, 2007 as affidavit of presiding Judge Bailey reported Wetzsteon without supervision, Spreadbury clear in argument.

Law Student Wetzsteon, 2008 graduate of Montana Law attended a clinic directed by US Magistrate Judge Lynch in the Missoula Division of the US District Court. Article III Judge Malloy is admittedly on the University of Montana Board of Visitors (and is pictured in a University of Montana Board of Visitor photograph). US Judge Malloy is paid for expenses for travel, lodging, and meals in State Service per Montana Code Ann. MCA§ 2-18-501.

As Spreadbury has cause of action pending in the 9th Circuit of Appeals with Wetzsteon as Defendant, this cause of action with Angela Wetzsteon as a

extrajudicial source and paid conflict with the Montana Law School for US District Judge Malloy requires recusal *US v. Azhocar 581 F. 2d 735 739 (9th Cir., 1978)*.

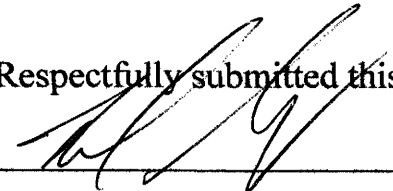
US Magistrate Lynch as clinic director of Angela Wetzsteon shall disqualify himself as impartiality is called into question, especially the September 14, 2011 oral argument for financial sanctions against an IFP before his court *Liljeberg v. Health Services Acq. 486 US at 488 (1988)*. The appearance of actual bias e.g. non finding of Spreadbury fundamental right to peaceful assembly in public park at Bitterroot Public Library August 20, 2009 requires recusal of US Judges in the aforementioned *Hague v. CIO 307 US 496 (1939), Preston v. US 923 F. 2d 731 (9th Cir., 1991)*.

Spreadbury cites controlling authority, Federal statutes for recusal and demands court use lawful controlling authority in order denying or in favor of this motion.

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 405 words excluding title page, this compliance.

Respectfully submitted this 14th day of ~~September~~ ^{November}, 2011

BY:  _____

Michael E. Spreadbury, Self Represented Plaintiff