

FILED

MAY 04 2011

PATRICK E. DUFFY, CLERK
By DEPUTY CLERK, MISSOULA

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

Pro Se Plaintiff

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

| | | |
|----------------------------|---|---------------------------------------|
| MICHAEL SPREADBURY |) | Cause No: CV-11-61-M-DWM |
| Plaintiff |) | |
| v. |) | The Honorable Donald W. Malloy |
| BITTERROOT PUBLIC LIBRARY, |) | Judge Presiding |
| CITY OF HAMILTON, |) | |
| LEE ENTERPRISES, INC., |) | |
| BOONE KARLBERG, PC, |) | |

**MOTION FOR SUBSTITUTION/ RECUSAL OF JUDGE(S) OF CAUSE
WITH SUPPORTING AFFIDAVIT AND EXHIBIT**

Comes now Plaintiff Michael Spreadbury (hereafter "Plaintiff") unrepresented and indigent with motion for court to grant substitution/recusal of judges in the Missoula Division of the US District Court for Montana.

Plaintiff believes he will not receive a fair and impartial hearing of the facts and trial in the aforementioned from Judge Malloy or Judge Lynch reasons set forth in

the affidavit and exhibit incorporated into this motion in accordance with 28 USC § 455 (a)(b) et. seq.

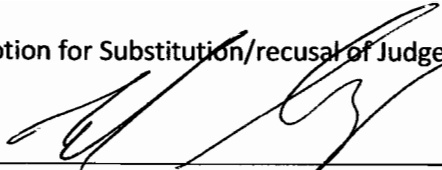
Affidavit in Support of Motion for Substitution/recusal

Judge(s) Malloy, Lynch

Michael E. Spreadbury being first duly sworn, states the following:

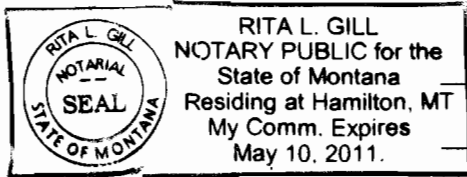
1. I was a former plaintiff in this court, with cause 9:10-CV-00049-DVM, Spreadbury v. Hoffman et. al.
2. Judges Malloy, Lynch presided and oversaw that cause of action.
3. A Defendant, Angela Wetzsteon was a law student and former clinic student at the Missoula Division of the US District Court for Montana.
4. Ms. Wetzsteon attended the University of Montana Law School in 2007.
5. Honorable Judge Malloy is/was a sitting member of the University of Montana Law School "Board of Visitors".
6. The Board of Visitors for the law school is a paid position per MCA § 2-18-501 (Persons in State Service).
7. Neither Judge Lynch, clinic director, nor Judge Malloy offered recusal for conflicts of interest, paid conflict of interest per 28 USC § 455 et. seq.
8. The cause of action Spreadbury v. Hoffman et. al. is pending in The United States Court of Appeals for the 9th Circuit with request for sanctions against the presiding Judge, Honorable Donald W. Malloy in this court [Exhibit A].
9. The improper non-recusal of Magistrate Judge Lynch is pled in that brief before the 9th Circuit, served on February 28, 2011 on this court.
10. The pending requests before the 9th circuit cast doubt on the impartiality of Judges Malloy and Magistrate Judge Lynch in this cause of action.
11. Plaintiff has cause to request recusal, transfer, or importing a new Judge to hear this case before the honorable court.

FURTHER AFFIANT SAITH NOT.



MICHAEL E. SPREADBURY

Before me, a Notary Public for the State and County aforesaid, appeared Michael E. Spreadbury who is known to me or who provided photo identification and executed the affidavit in my presence.



Rita L Gill

Name of Notary Public



Notary Public Signature

5-10-2011

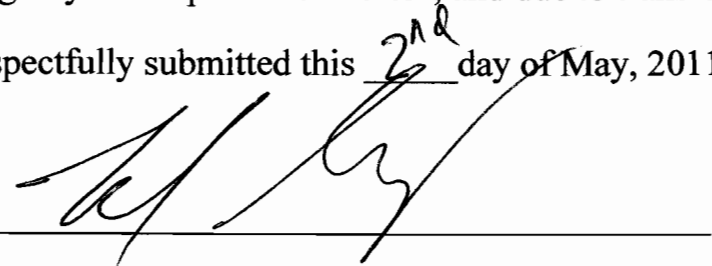
my commission expires

Plaintiff respectfully attaches Exhibit A in support of this motion, cause No. 9:10-cv-00049-DWM pending before the 9th Circuit pertaining to Judicial recusal, in accordance with 28 USC§455 et. seq.

Counsel for Lee Enterprises objects to this motion, Counsel for City, Public Library, Boone Karlberg PC could not be reached for answer.

WHEREFORE, Plaintiff for good cause set forth herein, and in good faith before this honorable court, supported by lawful authority in the US District Court for the State of Montana prays this motion will be granted for substitution/recusal, or the importation of a new tribunal for this cause of action. Plaintiff yields to honorable court for other relief to established conflict with Judges Malloy and Magistrate Judge Lynch as presented herein, and due to transfer from state jurisdiction.

Respectfully submitted this 2nd day of May, 2011



Michael E. Spreadbury, Pro Se Plaintiff

Attach: Exhibit A (5 pg.)