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*Pro Se Plaintiff*

**FILED**

**MAY 26 2011**

**PATRICK E. DUFFY, CLERK**  
By \_\_\_\_\_  
**DEPUTY CLERK, MISSOULA**

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

MICHAEL SPREADBURY

Plaintiff

v.

BITTERROOT PUBLIC LIBRARY,

CITY OF HAMILTON,

LEE ENTERPRISES, INC.,

BOONE KARLBERG, PC,

) Cause No: 9:11-cv-11-61-DWM-JCL

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**MOTION FOR RECUSAL**

**OF MAGISTRATE JUDGE**

**JEREMIAH C. LYNCH**

Comes now Spreadbury with motion, brief in support of recusal of Magistrate

Judge Jeremiah C. Lynch from the aforementioned.

Motion:

Spreadbury moves Honorable Magistrate Judge Jeremiah C. Lynch, for good cause herein offer recusal from this case due to firm doubt of impartiality.

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 SU at 488 (1988)*.

Spreadbury has matter pending in 9<sup>th</sup> Circuit Court of Appeals where Magistrate Lynch screened a complaint twice for 28 USC§ 1915, misrepresented the Montana Recall Act MCA§ 2-16-00 in an attempt to “chill” a fundamental right, cited a lawful authority which was overturned in a Findings and Recommendations authored by US Magistrate Lynch, and failed to offer recusal as conflict of interest arose where former clinic attendee and law student, Angela Wetzsteon attended a University of Montana law clinic directed by the Honorable Magistrate Lynch *O’Keefe v. Van Boening 82 F. 3d 322 (9<sup>th</sup> Cir. 1996) for chilling established right*. Spreadbury has *not* consented to Magistrate Judge Lynch signed May 16, 2011 and served upon the Clerk of Court, US District Missoula Division and attached as Exhibit A.

With a combination of factors in good cause, Spreadbury requests recusal of US Magistrate Judge Lynch *US v. Olander* 584 F. 2d 876 (9<sup>th</sup> 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 (9<sup>th</sup> Cir. 1991). Recusal of US Magistrate Judge Lynch from aforementioned proper 28 USC§ 455 et. seq.; 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 272 words excluding title page, this compliance.

Respectfully submitted this 24<sup>th</sup> day of May, 2011

BY: \_\_\_\_\_

Michael E. Spreadbury, Pro Se Plaintiff

Exhibit A: non-consent to the exercise of jurisdiction by US Magistrate Lynch.

Certificate of Service

Cause No. CV-11-0064-DWM

I certify as Plaintiff in this action, a copy of the below named motion was served upon the US District Court Missoula Division and all opposing counsel for parties in this above named cause of action by first class mail. The following addresses were used for service:

*Motion for Recusal of Magistrate Judge Lynch*

Russell Smith Federal Courthouse

Clerk of Court

200 E. Broadway

Missoula, MT 59803

Defendant Counsel:

William L. Crowley

Boone Karlberg PC

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Jeffrey B Smith

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Dated 5/24/11  
5/21/11

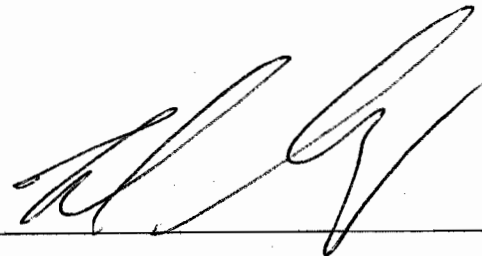
Plaintiff Counsel:

Michael E. Spreadbury

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(self-represented)



Michael E. Spreadbury, Pro Se Plaintiff