

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

MICHAEL E. SPREADBURY,

CV 11-64-M-DWM-JCL

Plaintiff,

vs.

ORDER

BITTERROOT PUBLIC LIBRARY,
CITY OF HAMILTON,
LEE ENTERPRISES, INC., and
BOONE KARLBERG, P.C.,

Defendants.

On May 4, 2011, Plaintiff Michael Spreadbury filed a motion seeking disqualification of the undersigned pursuant to 28 U.S.C. § 455. By Order entered May 25, 2011, the motion for disqualification — as it pertained to me — was denied.

On May 26, 2011, the Clerk of Court's office received, by mail, a second motion dated May 24, 2011, from Mr. Spreadbury seeking my disqualification under section 455. The record thus reflects that the second motion was mailed prior to the filing of the Order denying the first motion.

The second motion simply reiterates the same grounds for disqualification advanced by Mr. Spreadbury in the first motion which were discussed and rejected by the Court's Order of May 25, 2011. The second motion merely points out that Mr. Spreadbury timely returned this Court's standard form indicating he did not consent to the exercise of jurisdiction by a United States Magistrate Judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. Review of the docket reflects that the referenced form was received by the Clerk's Office on May 17, 2011, sealed and placed in the Clerk's vault.

Because Mr. Spreadbury's second motion does not differ in any substantive respect from the first motion seeking disqualification that was denied, IT IS HEREBY ORDERED that the second motion, Dkt. # 48, is DENIED as moot.

DATED this 26th day of May, 2011.

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge