

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROGER GODWIN,

Plaintiff,

v.

UNITED STATES MARSHALS FOR THE  
WESTERN DISTRICT AND SUPERVISORS,  
WISCONSIN SECRET SERVICE AND  
SUPERVISORS, CHICAGO, ILLINOIS  
DEA HEADQUARTERS EMPLOYEES AND  
SUPERVISORS, FEDERAL BUREAU OF  
INVESTIGATION FOR WESTERN DISTRICT  
OF WISCONSIN SUPERVISORS, CAPTAIN  
MICHAEL SCHARPF, SGT. RICHARDS,  
MARK OLSON, RANDALL HEPP,  
CAPTAIN JANSON, LT. HAGBURG,  
GARY HAMILLION, WESTERN DISTRICT  
OF WISCONSIN ATTORNEY'S OFFICE,  
BARBARA B. CRABB, STEPHEN CROCKER,  
EASTERN DISTRICT U.S. ATTORNEY'S  
OFFICE EMPLOYEES, F.B.I. HEADQUARTERS  
AND EMPLOYEES and PRESIDENT OBAMA,<sup>1</sup>

Defendants.  
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ORDER

11-cv-715-bbc

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<sup>1</sup> I have amended the caption provided by plaintiff to correct spelling and punctuation errors and to remove redundant defendants.

Plaintiff Roger Dale Godwin, a prisoner at the Waupun Correctional Institution, has filed this action against numerous state and federal officials, including me, alleging that defendants have threatened him and assaulted him in conjunction with death threats he made about various public officials, again including me. In addition, plaintiff has filed a host of motions, including a motion for my recusal. I must address this motion first.

28 U.S.C. §§ 144 and 455 apply to motions for recusal and disqualification of judges. Section 144 requires a federal judge to recuse herself for “personal bias or prejudice.” Section 455(a) requires a federal judge to “disqualify himself in any proceeding in which his impartiality might reasonably be questioned,” and section 455(b)(1) provides that a judge shall disqualify herself if she “has a personal bias or prejudice concerning a party.” Because the phrase “personal bias or prejudice” found in § 144 mirrors the language of § 455(b), they may be considered together. Brokaw v. Mercer County, 235 F.3d 1000, 1025 (7th Cir. 2000). In deciding whether a judge must disqualify herself under 28 U.S.C. § 455(b)(1), the question is whether a reasonable person would be convinced the judge was biased. Hook v. McDade, 89 F.3d 350, 355 (7th Cir. 1996) (internal quotation omitted). Recusal under § 455(b)(1) “is required only if actual bias or prejudice is proved by compelling evidence.” Id. (citation and quotation omitted).

Plaintiff argues that I must recuse myself both because I am a defendant in the case (plaintiff alleges that I “fabricat[ed] documents to cover up [law enforcement officials’] lying

under oath”) and because he has threatened to kill me. Neither of these reasons is automatically grounds for recusal. In re Specht, 622 F.3d 697, 700 (7th Cir. 2010) (courts are not forced to succumb to “easy manipulation” of recusal rules by mandating that judge step aside when plaintiff names judge as defendant); In re Nettles, 394 F.3d 1001, 1002 (7th Cir. 2005) (judge not required to recuse herself if threat appears to be motivated solely by a desire for recusal). In a previous case brought by plaintiff, I denied his motion for recusal based on the same threats he seems to be raising in this case:

In his original motion for recusal, plaintiff states that in both January 2009 and April 2011 he threatened to kill Magistrate Judge Crocker and me

. . .

These threats seem to be so broad and made against such a wide-ranging group of officials that I cannot consider them to be genuine, particularly when most of them appear to have been issued during the pendency of this action, raising suspicion that plaintiff has made the threats in order to obtain my recusal. Recusal is not warranted where there is reason to believe that the threats were made in an attempt to obtain a different judge. In re Nettles, 394 F.3d at 1002; United States v. Greenspan, 26 F.3d 1001, 1006 (10th Cir. 1994). Accordingly, I will deny plaintiff’s motion for recusal, at least as it pertains to me.

Godwin v. Tidquist, 10-cv-573-bbc, 3-4 (W.D. Wis. Aug. 10, 2011).

However, there is a major difference in the present case: the substance of plaintiff’s claims themselves concerns defendants’ responses to hearing about the death threats made to me and other public officials. This would place me in the awkward position of presiding over a case directly connected to the threats against me. I conclude that the prudent course

of action is to disqualify myself and have the case reassigned.

I note that plaintiff has filed this motion seeking Magistrate Judge Crocker's recusal as well. He will have to rule on the motion himself at a later date.

ORDER

IT IS ORDERED that plaintiff Roger Godwin's motion for my recusal in this case, dkt. #10, is GRANTED. I am disqualifying myself pursuant to 28 U.S.C. § 455.

Entered this 11th day of January, 2012.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge