

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 26-0001

STATE OF MONTANA,

Plaintiff,

v.

O R D E R

JEREMIAH CUTSINGER,

Defendant.

Jeremiah Cutsinger moves to disqualify the Honorable Michael F. McMahon from presiding in Cause No. DC-26-105 in the First Judicial District Court, Lewis and Clark County, pursuant to § 3-1-805, MCA.

Section 3-1-805, MCA, provides that an affidavit for disqualification for cause must allege facts showing personal bias or prejudice of the presiding judge.

Cutsinger states he believes Judge McMahon will be prejudiced or impartial because Cutsinger is self-represented. Cutsinger alleges no facts showing personal bias or prejudice by Judge McMahon. Cutsinger thereby provides no basis to warrant disqualification proceedings under § 3-1-805, MCA.

IT IS THEREFORE ORDERED that the motion to disqualify the Honorable Michael F. McMahon from Lewis and Clark County Cause No. DC-26-105 is VOID and thereby DENIED.

The Clerk is directed to provide copies of this Order to the Clerk of the District Court of Lewis and Clark County for notification to all counsel of record in Cause No. DC-26-105, and to the Honorable Michael F. McMahon.