

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FRED TEITLER,

Plaintiff,

v.

Case No: 2:14-cv-45-FtM-38CM

PUNTA GORDA HMA, LLC,

Defendant.

ORDER¹

This matter comes before the Court upon *Sua Sponte* Review of the Complaint ([Doc. #1](#)) filed on January 28, 2014. Under [28 U.S.C. § 455\(a\)](#), "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [herself] in any proceeding in which [her] impartiality might reasonably be questioned." Any doubt "must be resolved in favor of recusal." See [Murray v. Scott, 253 F.3d 1308, 1310 \(11th Cir. 2001\)](#).

Section [28 U.S.C. 455\(b\)](#) spells out certain situations in which partiality is presumed and recusal is required.² After reviewing the explicitly enumerated conflicts of

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.

² **Error! Main Document Only.** Subsection 455 (b)(1) requires a judge to disqualify himself "[w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding."; 455 (b)(2): "[w]here in private practice [the judge] served as a lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it."; 455 (b)(3): where the judge "served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy."; 455(b)(4): where a judge "knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter

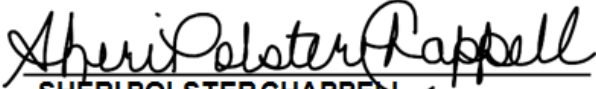
interest in which recusal is mandatory under § 455(b), the undersigned finds a conflict and must recuse from this case.

Accordingly, it is now

ORDERED:

The Undersigned is hereby **RECUSED** from the instant case. The Clerk of the Court is directed to reassign the case to another District Judge.

DONE and **ORDERED** in Fort Myers, Florida this 30th day of January, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.”; or 455(b)(5)(i): “[w]here he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person... [i]s party to the proceeding, or an officer, director, or trustee of a party.”; 455(b)(5)(ii): where the judge “or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person... is acting as a lawyer in the proceeding.”