

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA
and ANGELA D'ANNA, ex rel,

Plaintiffs,

v.

Case No.: 2:14-cv-437-SPC-NPM

LEE MEMORIAL HEALTH
SYSTEM and CAPE MEMORIAL
HOSPITAL, INC.,

Defendants.

ORDER¹

Before the Court is a review of the docket. A judge must disqualify if her “impartiality might reasonably be questioned.” [28 U.S.C. § 455\(a\)](#). She must also disqualify in certain situations listed in [§ 455\(b\)](#). And all doubts are “resolved in favor of recusal.” [Murray v. Scott, 253 F.3d 1308, 1310 \(11th Cir. 2001\)](#). Because the Court’s immediate family member now actively uses a doctor associated with a named Defendant, disqualification may be required. *See* [28 U.S.C. § 455\(b\)](#). To avoid even the appearance of partiality or

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impropriety, the Court finds she must recuse herself. See *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 865 (1988).

Accordingly, it is now

ORDERED:

1. The Honorable Sheri Polster Chappell is **RECUSED** from this action.
2. The Clerk is **DIRECTED** to reassign this case to another United States District Judge in the Fort Myers Division.

DONE and **ORDERED** in Fort Myers, Florida on December 6, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record