

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANDREW L. WOODS,

Plaintiff,

v.

Case No: 2:16-cv-897-FtM-38MRM

RADIATION THERAPY SERVICES,
INC.,

Defendant.

ORDER¹

This matter comes before the Court on *sua sponte* review of the Notice of Removal ([Doc. #1](#)) and Complaint ([Doc. #2](#)) filed on December 19, 2016. A judge “shall disqualify [her]self in any proceeding in which [her] impartiality might reasonably be questioned.” Any doubt “must be resolved in favor of recusal.” [28 U.S.C. § 455\(a\)](#). The purpose of [§ 455](#) is “to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible.” [Liljeberg v. Health Servs. Acquisition Corp.](#), 486 U.S. 847, 865 (1988); *see also* [United States v. Cerceda](#), 188 F.3d 1291, 1293 (11th Cir. 1999) (requiring recusal when the objective circumstances create an appearing of partiality). Recusal is appropriate when “an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge's impartiality.” [Parker v. Connors Steel Co.](#), 855 F.2d

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1510, 1524 (11th Cir. 1988). Any doubts must resolve in favor of the moving party. See *Murray v. Scott*, 253 F.3d 1308, 1310 (11th Cir. 2001).


Based on the foregoing and because of the undersigned's connection with other pending federal cases that involve Defendant Radiation Therapy Services, Inc. d/b/a 21st Century Oncology, the undersigned finds a conflict of interest and must recuse herself from this case.

Accordingly, it is now

ORDERED:

- (1) The Honorable Sheri Polster Chappell is **RECUSED** from the above-captioned case.
- (2) The Clerk of the Court is directed to **REASSIGN** the case to another United States District Judge.

DONE and **ORDERED** in Fort Myers, Florida this 22nd day of December, 2016.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record