

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DONALD JONES,

Plaintiff,

v.

Case No: 2:17-cv-427-FtM-29CM

LEE COUNTY DEPARTMENT OF
HUMAN AND VETERAN SERVICES,

Defendant.

ORDER

This matter comes before the Court on plaintiff's Motion for Judge Steele to "Rescue" Himself (Doc. #13) filed on February 13, 2018, seeking to have the undersigned recuse himself as the presiding judge. Plaintiff alleges bias because his previous case was dismissed by the undersigned after requiring several amendments to assert federal jurisdiction. See Jones v. Bank of Am., 2:12-cv-642-FTM-29DNF (M.D. Fla) (Steele, J.).

On October 12, 2017, the Magistrate Judge reviewed plaintiff's Affidavit of Indigency (Doc. #3) and also reviewed the sufficiency of the complaint. Both were found deficient and plaintiff was provided detailed instructions on what to correct in the affidavit, and how to file an amended complaint. (Doc. #8.) Plaintiff appealed the Order to the undersigned. On October 24, 2017, the Court denied plaintiff's appeal and directed plaintiff to comply with the October 12, 2017, Order or the case would be

dismissed for failure to prosecute. (Doc. #10.) Plaintiff filed an amended affidavit, and the Magistrate Judge found that plaintiff was indeed indigent. However, as no amended complaint was filed, plaintiff was provided additional time to do so. (Doc. #12.) Plaintiff filed an Amended Complaint (Doc. #14) on February 16, 2018. This pleading is pending review.

Plaintiff argues that requiring him to amend his complaint repeatedly in this case constitutes harassment. "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). "The inquiry of whether a judge's impartiality might reasonably be questioned under § 455(a) is an objective standard designed to promote the public's confidence in the impartiality and integrity of the judicial process. [] Thus, the court looks to the perspective of a reasonable observer who is *informed of all the surrounding facts and circumstances.*" In re Evergreen Sec., Ltd., 570 F.3d 1257, 1263 (11th Cir. 2009) (internal citations omitted) (emphasis in original). Adverse rulings are rarely grounds for recusal. In re Walker, 532 F.3d 1304, 1311 (11th Cir. 2008) (citing Liteky v. United States, 510 U.S. 540, 554 (1994)). Thus far, the Magistrate Judge has been reviewing the sufficiency of plaintiff's allegations and directing the amendments. The Court finds that the undersigned's impartiality cannot be questioned after review


of the docket. The Amended Complaint does appear to suffer from the same deficiencies. The Court will await further review by the Magistrate Judge.

Accordingly, it is hereby

ORDERED:

Plaintiff's Motion for Judge Steele to "Rescue" Himself (Doc. #13) is **DENIED**.

DONE and ORDERED at Fort Myers, Florida, this 20th day of February, 2018.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Plaintiff