

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 5:14-cv-387-Oc-30TBS

ALPHONSO JAMES, SR., et al.,

Defendants.

ORDER

THIS CAUSE comes before the Court upon Defendant Alphonso James, Sr.'s Motion for Disqualification of James S. Moody, Jr., United States District Judge for Bias and Prejudice (Doc. 51). By his motion, James requests that the undersigned recuse himself from this action because James alleges that the undersigned has demonstrated partiality toward Plaintiff and bias against James. (*Id.*).


The grounds for recusal are enumerated under 28 U.S.C. § 455, which provides two primary reasons for recusal. Namely, a judge shall disqualify himself or herself in any proceeding in which (1) the judge's "impartiality might reasonably be questioned," or (2) the judge "has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." 28 U.S.C. §§ 455(a), (b)(1). James contends that the undersigned demonstrated partiality toward Plaintiff by "ignoring" James's amended answer, which alleges that this Court does not have subject matter

jurisdiction over Plaintiff's claims. The Court has previously explained to James in great detail that it has subject matter jurisdiction over Plaintiff's claims. (Doc. 27). Accordingly, the Court did not ignore James's contention. Rather, the Court already addressed it. Thus, James has not established bias or prejudice and recusal is not warranted.

Accordingly, it is therefore **ORDERED AND ADJUDGED** that:

1. Defendant Alphonso James, Sr.'s Motion for Disqualification of James S. Moody, Jr., United States District Judge for Bias and Prejudice (Doc. 51) is **DENIED**.

DONE and **ORDERED** in Tampa, Florida, this 22nd day of May, 2015.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record