

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

SHAWN LOUIS SUTTER,

Plaintiff,

v.

CASE NO. 8:14-cv-939-T-26MAP

UNITED STATES OF AMERICA,

Defendant.

_____ /

ORDER

UPON DUE AND CAREFUL CONSIDERATION of the procedural history of this case, and Plaintiff's related criminal case, Case Number 8:12-cr-301-T-25MAP, together with Plaintiff's sworn factual submissions which, unfortunately, the Court cannot contest under settled law even though they are blatantly false and contradicted by the record in the related criminal case,¹ and being bound by the Eleventh Circuit's standard for recusal by a federal judge,² it is **ORDERED AND ADJUDGED** that Plaintiff's Motion for Recusal (Dkt. 49) is **granted**. The Clerk is directed to reassign this case to another district judge of the Tampa Division pursuant to the Clerk's blind rotation system for the assignment of cases.

DONE AND ORDERED at Tampa, Florida, on January 4, 2017.

¹ See United States v. Serrano, 607 F.2d 1145, 1500 (5th Cir. 1979). The Eleventh Circuit is bound by Fifth Circuit law handed down before October 1, 1981. Bonner v. City of Prichard, 661 F.2d 1206 (11th Cir. 1981) (en banc).

² See id.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel/Parties of Record