

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 05-22597-CIV-KING  
CASE NO. 09-14042-CIV-KING

DANIEL MGLIO,

Plaintiff,

v.

DR. HARIDAS BHADJA,

Defendant.

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**ORDER DENYING PLAINTIFF'S MOTION TO RECUSE**

THIS CAUSE comes before the Court upon the Plaintiff's Motion to Recuse (D.E. #86), filed May 13, 2009 in Case No. 05-22597-CIV-KING.

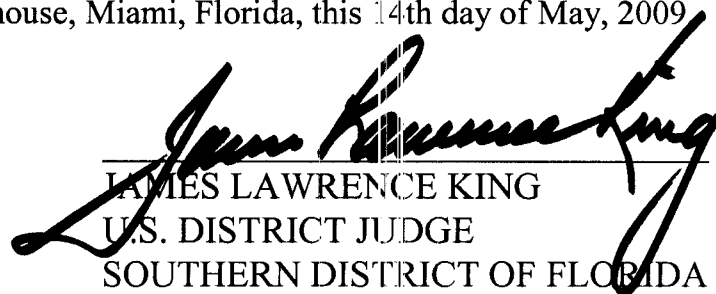
As background, the Plaintiff originally filed his Complaint in Case No. 05-22597-CIV-KING on September 29, 2005. On January 6, 2009, the undersigned entered an order that affirmed the December 17, 2008 Report and Recommendation ("R&R") of Magistrate Judge Patrick A. White and dismissed the case without prejudice to the Plaintiff re-filing his claims as a new civil action. *See* D.E. #72. On February 9, 2009, the Plaintiff re-filed his claims in Case No. 09-14042-CIV-KING. On April 27, 2009, the undersigned instructed the parties that Case No. 05-22597-CIV-KING is now closed and directed the parties to file all future filings concerning this matter only in Case No. 09-14042-CIV-KING.

Despite the previously-described directive of this Court, the Plaintiff has now filed this Motion to Recuse only in Case No. 05-22597-CIV-KING. The undersigned

appreciates the Plaintiff's concerns but stresses that he has not been subjected to any prejudicial procedure during the pendency of these two cases. For example, in the Court's experience, a majority of R&Rs are never objected to; therefore, it would be counterproductive to wait two weeks for decision in all cases. Moreover, through the Plaintiff's own assertions that he has been allowed to re-file his claims on multiple occasions to cure pleading deficiencies, he tacitly agrees that he has not been prejudiced by any alleged error. The fact that he has been directed to re-file his claims due to his own pleading deficiencies does not establish prejudice.

Accordingly, the Court being otherwise fully advised, it is ORDERED, ADJUDGED, and DECREED that the Plaintiff's Motion to Recuse (**D.E. #86**) be, and the same is hereby, **DENIED**. Furthermore, the Plaintiff is again directed to file all future filings concerning this matter only in Case No. 09-14042-CIV-JLK.

DONE and ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 14th day of May, 2009.

  
JAMES LAWRENCE KING  
U.S. DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

cc: **Magistrate Judge Patrick A. White**

**Counsel for Plaintiff**

**Daniel Maglio**

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