IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JOHN B. THOMPSON,

Plaintiff,

v. Case No. 07-21256 (Judge Adalberto Jordan)

THE FLORIDA BAR and
DAVA J. TUNIS,

Defendants.

PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENT

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and moves this court for leave to file the attached document, stating:

1. On August 30, 2007, plaintiff herein moved defendant referee Dava Tunis to recuse herself from presiding over the state disciplinary proceeding on the basis of the U.S. Supreme Court's ruling in *Johnson v. Mississippi*, 403 U.S. 212 (1971), which requires a judge in a civil state court proceeding to recuse herself from that proceeding if she is or has been a defendant in a federal civil rights action. The legal requirement of Ms. Tunis to remove herself from the state proceeding could not be clearer if it bit her on the nose.

2. Thompson also moved, along with recusal, for a hearing on his motion to recuse. On September 4, 2007, Judge Tunis, acting as referee, entered the attached order denying Thompson's motion to recuse, denying him even a hearing thereon. Note that Ms. Tunis states that the recusal motion is "legally insufficient as a matter of law."

3. Plaintiff herein has asked Ms. Tunis, through her record counsel herein, what the alleged "legal insufficiency as a matter of law" is. Thompson has not heard and he will not hear. This referee thinks, erroneously, that she has absolutely no duty to inform anyone what the legal insufficiency is, even though she must. She will not, because there is none, and if there were one, hypothetically, then plaintiff could correct it. We can't have that.

4. Thompson is entitled to a fair arbiter in his state bar disciplinary proceedings. He does not have it. When Thompson has gone in the past to the Florida Supreme Court in his writ of mandamus action and asked for review by the High Court of the decision of the referee not to recuse herself for, among other things, branding Thompson's defensive pleadings "propaganda," the High Court, apparently in order to prove that state supreme court justices have a sense of humor, directed Thompson to take the appeal of the recusal issue to the trial judge herself. This is hilarity at a very high judicial level.

5. The result of all this judicial "cleverness" and comedy is that Thompson quite literally, not figuratively, has absolutely no state remedy for the demonstrable fact that, as a matter of law as handed down by the U.S. Supreme Court, he has no means whatsoever to secure a fair arbiter in his state proceedings. He does not even have a means by which to secure a hearing on the issue, and he has, as noted, no means by which to secure from the referee herself what the alleged defect in the motion to recuse is.

6. These good folks—referee Tunis, the Supreme Court Justices, The Bar—are simply, as the Brits say, "Too clever by half." By acting upon their smug assumption that they are more clever and certainly smarter than Thompson, all they are accomplishing is

proving that they are working very hard indeed to deny him a fair, impartial, due process-laden, equal protection-guaranteeing, and legitimate Bar disciplinary process.

7. Plaintiff moves this court for the issuance of the requested preliminary injunction, as, quite frankly, this obstruction by The Bar is getting, if is not already, ponderous, obvious, and consequential.

I HEREBY CERTIFY that this has been served upon record counsel this 11th day of September, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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