UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON	)
Plaintiff	)
	)
vs.	)
	)
THE FLORIDA BAR, et al	)
Defendants	)
	)

ORDER

In one of the 14 pleadings that Mr. Thompson filed in response to my order to show cause, he invites me to recuse from this matter. I construe his request [D.E. 131] as a motion to recuse, which is denied.

Mr. Thompson's basis for seeking my recusal is that my order to show cause [D.E. 119] "raises some questions about impartiality, particularly in light of the fact that the court's grounds for entering that order was in large part the alleged danger posed to children by plaintiff's filing, which grounds have been debunked." He is mistaken.

First, my grounds for entering the show cause order have not been "debunked." By filing the graphic and indecent material on the court's website -- a government website which is widely available to the public -- Mr. Thompson made the material available to numerous members of the public who would not otherwise have access to the material. In particular, he made the material available in a place where members of the public would not expect to see such material, thus making it more likely that people who were offended by the material, or who did not want to see it, might see it inadvertently.

Second, I did not sanction Mr. Thompson, hold him in contempt, or even state that I was considering holding him in contempt in the show cause order. The only repercussion contemplated by the show cause order was a possible referral of Mr. Thompson to the court's Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance, for *that committee* to decide how to handle Mr. Thompson's conduct. But even if I had sanctioned Mr. Thompson, or held him in contempt, my impartiality with respect to this proceeding would not be reasonably questioned simply

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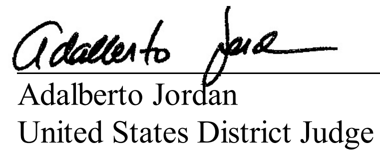
because I ruled against Mr. Thompson. *See* 28 U.S.C. 455(a); *LoCascio v. United States,* 473 F.3d 493, 496 (2nd Cir. 2007) (judge's decision to hold defendant in contempt "do[es] not raise even a suspicion of a 'deep-seated and unequivocal antagonism that would render fair judgment impossible'"). In fact, the Supreme Court has specifically recognized that "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994).

Finally, in support of his request for recusal, Mr. Thompson refers the court to Judge Huck's decision to recuse in *Alexander, et al v. Florida Bar,* Case No. 06-Civ-20046-Hunt. In that case, Judge Huck determined that recusal was proper because Judge Huck himself, as a member of the Florida Bar, had a potential financial interest in the subject matter of the case. *See* "Order of Recusal" in *Alexander* [D.E. 13 in that case]. Specifically, the plaintiffs in *Alexander* were seeking recovery -- from the Florida Bar -- for their losses as clients of a disbarred member of the Florida Bar. Thus, all members of the Florida Bar were interested because they, at least indirectly, might be responsible for any judgment in favor of the plaintiffs. The recusal decision in *Alexander* is irrelevant to this case. Although I am a member of the Florida Bar, I have no interest in this lawsuit, financial or otherwise, because of such membership.

DONE and ORDERED in chambers in Miami, Florida, this 1st day of October, 2007.



Adalberto Jordan
United States District Judge

Copy to: All counsel of record