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 VERIFIED MOTION TO RECUSE/DISQUALIFY JUDGE ADALBERTO JORDAN AND MOTION FOR HEARING THEREON

COMES NOW plaintiff, John B. Thompson, as an attorney on his own behalf, and moves this court to disqualify himself from further presiding in this cause, stating:

28 USC 455 provides that "(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

Plaintiff has filed a motion for leave to amend his complaint and add the judge presiding herein as a defendant by virtue of his improper, illegal conduct, as more fully set forth in the tendered fourth amended complaint.

This judge's misconduct is part of the same transaction and series of events giving rise to this cause of action in the first place, with the court itself now joining in on the effort to punish plaintiff, for example, in retaliation for his having filed with the court proof the other defendants' misconduct. This court also now threatens Thompson with sanctions if he files pleadings to defend himself from further threats by this court and to preserve the record for appellate purposes.

No "reasonable" person would conclude that a federal judge can fairly decided whether he himself should be added as an individual defendant in a case before him. The notion that he could is irrefutably *unreasonable*.

This, as the court knows, is not the only basis for recusal. This court participates, repeatedly, in University of Miami "Ethics Symposiums" with the very individuals at The Bar who are engaged in illegal acts against Thompson which this court is supposed to rule on.

For example, Steve Chaykin, a friend of this court, and not in the *amicus curiae* sense, repeatedly invites Adalberto Jordan and Janet Reno and Paul Huck and all the other members of what plaintiff in his fourth amended complaint calls The Club to participate in these incestuous events at the U of M.

Steve Chaykin, Your Honor, if you read the third amended complaint, is this plaintiff's "designated reviewer" who tells the world, through the *Daily Business Review*, that unless all of us Florida lawyers support his agenda of gay adoption then we "are outside the core values of this Bar" and "an enemy of The Bar." Thompson is the one who is paranoid?

Who in the world would *not* question this court's impartiality when Thompson submits to this court evidence of a crime which depicts the kind of perverted sexual acts that the court's friend and Florida Bar Governor, Thompson's "designated reviewer" whose mistreatment of Thompson by Steve Chaykin as "an enemy of The Bar" and which perversion Steve Chaykin thinks is normal, healthy sex? The real reason, it seems, that this court has mushed the *Ad Hoc* Committee on him is not that "children" were put at risk, not that "the public" was going to inadvertently

stumble across "obscenity," but rather, it seems, because the dirty little lie, which has become a monstrous lie in this case, is that The Bar does not have any kind of agenda and its tentacles do not reach into the judicial system.

Proof that this court is being at best disingenuous about all of this is the fact that the court is trying to distance itself from its own attack orders filed against Thompson. For example, this court actually now says, in a subsequent order that when it used the word "obscenity," it did not mean to suggest that this material, that caused this court to fly off the handle, did not enjoy First Amendment protection. Well, there are two problems with that backfilling construct by this suddenly inconvenienced court: This court is supposed to know that "obscenity," by definition, does not enjoy First Amendment protection. Obscenity, by definition, is contraband. There is no such thing, Your Honor, as First Amendment-protected obscenity. It is an ***oxymoron***. It is akin to this court's using the phrase "non-toxic poison."

But now that Thompson has brought this court what it calls "obscenity" and the consequences of that are to be visited upon the messenger rather than the criminal purveyor of it, who is The Bar's best buddy, then the court finds the word "obscenity" suddenly inconvenient. One supposes that this court might find reason in the nominator's statement that "is" does not really mean is.

Further, on this "obscenity" crawfishing going on with this court, if there is such a thing as First Amendment-protected "obscenity," then, Your Honor, with all respect, if the lawyer who is disseminating it to minors gets First Amendment protection, doesn't the undersigned get that protection, too? Is this court seriously suggesting that the First Amendment can protect this material's display in the public square but that same First

Amendment, which contains "the right of the people to petition the government for a redress of grievances" does not protect a party's filing in a decidedly *governmental* court file?

Thompson understands that he didn't graduate second in his law school class, and that he was distracted at Vanderbilt Law by having to sit next to the grumpy Al Gore on occasion, but seriously, "legal analysis is not beyond you, Mr. Thompson," as the perpetually grumpy Paul C. Huck told Thompson. The undersigned hopes that the above demonstrates that and that this court will refrain in the future what have now become its chronic personal attacks upon Thompson in its orders.

One more thing on just that, which is additional proof that this court had to recuse itself the instant it decided to go "ad hoc" on him, and the undersigned gets to respond to this latest attack, since this court put it into a court file, which now hundreds of Internet sites are reading, thanks to this court, as if this judge were the Chairman of Take-Two Interactive issuing press releases on Thompson:

Your Honor, again betraying its animus, went after me in a footnote to say "Mr. Thompson is not the modern-day version of Pal Revere, as he suggests." Let me explain something to the court, which the local network television affiliate seemed to grasp, because it ran with the Paul Revere reference in its evening newscast. Your Honor, it's a literary term called "metaphor." I'm not some nut who thinks the Redcoats are coming. The metaphor, since you missed it, and used the fact that you missed it to smear me, is that by attacking me with your show cause order *your actions* were metaphorically analogous to someone who would have foolishly cited a noise ordinance to shut up Paul Revere. The number one national *New York Times* bestseller awhile back, Malcolm

Gladwell's *The Tipping Point*, begins with the reasons by Revere, as opposed to Dawes, was effective in sounding the warning. The warning of Revere is only the second most famous such event in history, second only to the mythical, some say, marathon run of Pheidippides to Athens to proclaim the Greek victory over Persia.

I am turned over to a disciplinary committee by you, not in your decision-making role but in a ministerial function, which strips you of your judicial immunity, for having given you evidence of a crime. When I give you the Paul Revere metaphor to show how inappropriate and improper and illegal your act is, then you claim that I must think I am "the modern-day Paul Revere."

The nuance of this escapes you, and yet you, Your Honor, want the benefit of a supposed "nuance." You cite as the *sole legal authority* for turning me over to the "Ad Hoc Committee" an Alaska case in which the party was threatening to kill the judge and the parties. The Ninth Circuit, which you apparently missed in the footnotes, said this case was not to be cited as authority, but you did it anyway. That was not a nuance. But now you come forward with the assertion that I missed the nuance that "I [this court' cited the case for a general proposition of law, and then applied that proposition to Mr. Thompson's filing." Nonsense. You got caught misciting a case that has nothing to do with what I did and when I found the case, after three trips to the U of M law library and with the help of the reference librarian who laughed when she heard your sophistry, you claim you want the benefit of the alleged *nuance*. The nuance is that a *pro se* party, a criminal, who threatens to kill people involved in a case, is *analogous* to my rebutting The Bar's improper, pleadings-practice-violative assertions which you have not ordered

stopped, that I have no facts to show The Bar's selective prosecution and double standard.

I gave you the best evidence of that double standard. If anybody has a First Amendment *right*, it is my right to put evidence that has a bearing on my career in the government's file that you, Your Honor, do not own. It is the public's file, it is the government's file, and I get to put proof, especially with the Warning I gave to anyone who might see it (nobody in the general public did) of The Bar's wrongdoing, just as I get to utter "The Bar Governor's Name Which Must Not Be Uttered" at a hearing that affects the rest of my career.

This court intentionally went out of its way to create what is now an international news story by itself going after my law license. There was no nuance in that. The video game press now is issuing hourly updates on what your latest Order is smearing me. I didn't start this; you did. It is regrettable. You started it.

This court does not get to allow The Bar to file impertinent pleadings that improperly replace the facts alleged in my complaint with their own, and then squeal like scalded pigs when I prove that their "facts" are lies.

Similarly, this court does not get to impugn my motives, my mental health, my very career in its serial attack orders, and then, with what is known here in South Florida as *chutzpa* threaten me that if I respond to this court's unprofessional, injudicious attacks it will punish me.

You, Your Honor, started this. Any reasonable person a) would not have started it, and b) upon having started it, by conduct unbecoming any judge at any level, would

have displayed the wisdom and the grace to say, "I cannot now be fair, now that I have become one of Mr. Thompson's accusers."

"Fairness" is not a difficult concept, Your Honor. But its presence, in Florida courtrooms, at any level, when it comes to The Florida Bar's criminal activity, is rare.

WHEREFORE, this court must recuse itself from this case, unless it wants to assure, by its continuing obduracy, to assure that Thompson cannot lose this case in the Eleventh Circuit.

I solemnly swear, under penalty of perjury, that the foregoing is a true, correct, and complete account of the facts, so help me God.

I HEREBY CERTIFY that this has been served upon record counsel this 4th day of October, 2007, electronically.

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