

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 NOTICE TO COURT OF RELIEF TO BE SOUGHT NOW IN THE
UNITED STATES ELEVENTH CIRCUIT COURT OF APPEALS**

COMES NOW plaintiff, John B. Thompson, as an attorney on his own behalf,
and provides notice to the court as follows:

Plaintiff has been chagrined by this court's actions that have turned it from being an adjudicator in this case to a biased participant. Thompson in three decades of lawyering has never seen such a thing. The court's patently false misstatements of facts and its deceptive misciting of a key case have shown that it has no intention of fairly discharging its duties in furtherance of its oath of office. Its orders are violated by the court itself, as it has even issued orders that conflict with one another. When caught in these deceptions, the court has issued subsequent orders claiming that what it said is not what it said. The court has repeatedly backtracked and said it did not mean in using the word "obscenity" that the material it described is obscene. It now says a case it cited as "authority" is not cited for authority. It says when it says "October 5" in an order it does not really mean October 5. It means October 2.

The court has even gone out of its way to attack the plaintiff personally, which was not prompted by anything Thompson has done, and even if it had been, its personal

nature is unbecoming a federal judge. When Thompson has tried to defend himself from these injudicious personal attacks, the court has ordered him that he cannot defend himself. The court has thus assumed the dual role of bully and censor and can cite no justification or authority for either.

This court, having been apprehended in its misconduct, has been given the opportunity to recuse itself, to save the federal bench from a further sully of its reputation, as it has disqualified itself, as any *reasonable* person would see, from presiding over this case. The court has refused even to do that.

Plaintiff has no complaint, and never has in 31 years of practicing law, with judges who render decisions that he thinks are wrong. There are no Solomons among us, even though we all look for them, as layman and as lawyers. The duties of any judge at any level are daunting, not only as to the volume of work but as to the weight that comes with the knowledge that lives are changed by the power that is wielded. Once a judge begins to judge without the fear and trembling as to the harm that he might do, should he judge wrongly, and instead becomes sure of his infallibility, then he is a danger not just to others but to himself. When a judge decides to embark on a personal vendetta that engulfs his real responsibilities so clearly that his own orders betray him, then the court has lost the privilege to judge. Icharis flew too close to the Sun, and his wings melted. This judge's robes are melting, from the heat of his anger. Therefore, the plaintiff hereby provides notice to this court and to the parties as follows:

Plaintiff shall now proceed with a filing before the United States Eleventh Circuit Court of Appeals to seek a writ of mandamus to remedy and to stop this court from doing further harm to the federal judiciary and to the cause of justice. .

We live in a time when the American people's opinion of the federal judiciary is low. The Florida Bar's "solution" to this public angst is to call for "judicial independence" to insulate the judiciary from any accountability for its excesses. The Bar's solution is akin to ordering leaches for tuberculosis. The Bar likewise assaults lawyers who dare identify the misdeeds of corrupt, incompetent, or imperial judges. "Judicial independence" has never meant a total insulation of the judiciary from any form of democratic impulse. Only elitist state bars who want to handpick and thus influence, improperly jurists would come up with such a twisted definition. The Bar Governors don't want the judiciary independent of *their* agenda. They want it independent of the common folks' agenda "because we're smarter than they are." Bill Buckley said it well: "I would rather be ruled by the first 500 people in the Cambridge phone book than by the faculty at Harvard."

The plaintiff's right to exercise his First Amendment speech rights, even his First Amendment petition rights to identify the corruptions of two specific judges, is largely what this case is all about. Federal Judge Arthur Tarnow, in his recent decision out of the Eastern District of Michigan, *Fieger v. Supreme Court of Michigan*, understands what The Florida Bar does not.

It comes as no surprise, although it comes as a huge disappointment, that a federal judge enjoying lifetime tenure feels he must grossly abuse his discretion to help The Florida Bar out of a tight spot. It is caught between a rock and the First Amendment. At a moment like this one wonders if this judge forgot why he wanted to become a lawyer and perchance a judge in the first place. What may have started out as an earnest desire to

serve appears to have devolved into enjoyment of power. Lord Acton knew the phenomenon well. It was uttered first in the Garden: “Ye shall be as gods.”

The undersigned plaintiff brought evidence of a crime participated in and facilitated by The Florida Bar to this court and placed the evidence of that crime in the court file to show The Bar’s improper treatment of the plaintiff. It is the *public’s* court file, not the personal possession of Judge Jordan. What did this federal judge, who took an oath to uphold the laws of this country, do? He threw the book at the undersigned whistleblower and thus emboldened the lawbreaker.

In Thompson’s 31 years of practicing law, this is the most shocking assault upon the law and upon the honor of the federal judiciary that he has ever seen--and from a federal judge no less. The judge’s oath to uphold the law rather than encourage criminal activity has been utterly ignored by this judge. The law has been stood on its head. A criminal who is operating a buffet for pedophiles is the tail wagging this judge. This is being done less than a month after a Florida Assistant US Attorney flew to Michigan to have sex with a four-year-old girl who didn’t exist. Plaintiff has represented *real* kids who were sexually abused by predators who consumed “obscenity” like that which The Bar and now Judge Jordan protects.

Win or lose, the only right thing for Thompson to do is to let the Eleventh Circuit know what kind of a “shoot the messenger” circus this judge is running down here. Judge Jordan’s reputation is good. That should change, for the sake of justice in the Southern District of Florida.

Supreme Court Justice Louis Brandeis wrote in *United States v. Olmstead*, 277 U.S. 438 (1928):

"Decency, security and liberty alike demand that government officials shall be subjected to the rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law, it invites every man to become a law unto himself. It invites anarchy."

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

/s/ JOHN B. THOMPSON, Plaintiff
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