

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 URGENT NOTICE TO COURT

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, and provides notice to the court of the following:

Today plaintiff received a call from a reporter for the ALM-owned *Daily Business Review*. The pleasant reporter asked to interview me about the "obscenity" in the court file issue that proves The Bar's equal protection denial.

Thompson has told the truth to this publication, but Thompson has bar complaints filed against him by two judges for telling the truth about what they did. Thompson has stuck with the facts as to what Judge Jordan did, which Thompson wants the court to know.

Thompson further wants to invite, if it wants to, this court to talk with the reporter. No problem with that. It's a free country, or should be. Chief Judge Moreno says that passive virtue can crowd out active vice, so the court is welcome to tell its version of the truth toward whatever end, actively or passively. This court has made it abundantly clear that it thinks Mr. Thompson has vices which maybe this court's

“virtue” can crowd out. The First Amendment is for everyone and everything except obscenity trafficking.

Finally, the following breaks the undersigned’s heart: This *Daily Business Review* reporter tells Thompson that she has in her hands an administrative order entered by Chief Judge Moreno dated October 5, 2007, modifying Administrative Rule 6 (e) for placement of materials in CM/ECF files, the files into which Thompson placed the “obscenity” with full warnings. The rule change deals with “obscenity,” etc.

What this means is that Thompson violated a “rule” that didn’t even exist at the time. *The rule was changed to what it now is two weeks after Thompson allegedly violated a rule that does not exist!* Put another way, proof that Thompson violated no rule, and thus did not act unethically or illegally, is that Chief Judge Moreno had to change the rule to cover what Thompson did, pursuant to Judge Jordan’s request.

Pause.

Now we know why Judge Jordan had to cite an Alaska case that the Ninth Circuit itself said had no authority and whose holding therein had to be tortured and twisted into something that only a person who did not read the Alaska case could possibly think applied to what Thompson did.

How dare this court throw Thompson before an *Ad Hoc* Committee for discipline and in doing so *pretend* that he violated a rule that we now know did not even exist and had to be created two weeks after Thompson did what he did. We had a very long hearing before Judge Jordan on October 9, four days *after this new rule was created*. When was this court going to get around to disclosing that Thompson was the victim of an *ex post facto* rule????????

This is an egregious thing that Judge Jordan has done, so egregious that Article I, Section 9 of the US Constitution prohibits such a thing—creating rules and then seeking to punish people for behavior prior to the creation of the rules or laws. *Ex post facto* laws are unconstitutional!

Why is it that plaintiff has to point out a basic principle found in our Constitution to a federal judge?

The answer is not that this judge is stupid. He is very bright. It is not that he is unlearned as to the Constitution. He has forgotten more of it than Thompson will ever know. What we have here is a judge who now we know wants to embarrass Thompson with Thompson's alleged violation of a rule that did not even exist at the time, and this judge knew it. He had an absolute obligation to tell Thompson that. He did not do so. Any fair judge would have told Thompson that he did something that troubled the judge, that we need a rule about it, and Thompson would have told the judge what he told him on October 9: now that the judge has ordered it not be done, he won't do it.

But what did this judge do? He pretended that Thompson violated a rule that did not exist and did not exist until two weeks after Thompson did what he did. This is beyond injudicious. It is unethical.

If some judge had done to Norm Kent what Judge Jordan is now found to have done to Thompson, based upon the representations of the *Daily Business Review* reporter, who read the order *verbatim* to Thompson, then Thompson would have signed up to defend Kent in this *ex post facto* stunt. Thompson told the reporter just that. Norm Kent had now better apologize for all of his rantings about this on his gay porn site over the past two weeks.

Non-disqualification of this judge from this case is now not even an option. This court should get ready for the next motion to disqualify. This one is going to stick. This is reprehensible.

I HEREBY CERTIFY that this has been served upon record counsel this 17th day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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