

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**

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:

Plaintiff's filing with this court (Docket Number 228) regarding this court's stunning subterfuge in using an *ex post facto* rule and stunt to try to punish Thompson is egregious. The court's failure to disclose it was a rule created *after* Thompson did what he did, is the worst thing he has ever seen any judge at any level do.

The court's lack of candor, the consequence of which was to make it a participant in The Bar's illegal assault upon Thompson, is shocking. The court then engaged in a cover-up in these regards by its failure to disclose the change in Administrative Rule 6 (e) as to the CM/ECF court system effected by Chief Judge Moreno, which Judge Moreno failed to disclose as well in the letter he wrote and made public to Thompson. This change occurred two weeks after Thompson did what he did in alleged violation of a rule that did not even exist. The court knew that at the October 9 hearing and remained silent.

It is not even clear that the rule change was done properly. It certainly was applied improperly, as the following from Rule 83, Federal Rules of Civil Procedure, indicates:

Rule 83. Rules by District Courts; Judge's Directives

(a) Local Rules.

(1) Each district court, acting by a majority of its district judges, may, after giving appropriate public notice and an opportunity for comment, make and amend rules governing its practice. A local rule shall be consistent with -- but not duplicative of -- Acts of Congress and rules adopted under [28 U.S.C. §§ 2072](#) and [2075](#), and shall conform to any uniform numbering system prescribed by the Judicial Conference of the United States. A local rule takes effect on the date specified by the district court and remains in effect unless amended by the court or abrogated by the judicial council of the circuit. Copies of rules and amendments shall, upon their promulgation, be furnished to the judicial council and the Administrative Office of the United States Courts and be made available to the public.

(2) A local rule imposing a requirement of form shall not be enforced in a manner that causes a party to lose rights because of a nonwillful failure to comply with the requirement.

(b) Procedures When There is No Controlling Law

A judge may regulate practice in any manner consistent with federal law, rules adopted under [28 U.S.C. §§ 2072](#) and [2075](#), and local rules of the district. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, or the local district rules unless the alleged violator has been furnished in the particular case with actual notice of the requirement.

This court has surrendered any right or privilege to preside over this case. It has engaged in deception which has been as clear as it has been consequential. Thompson is off immediately to the Eleventh Circuit in light of Judge Jordan's unethical conduct.

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

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

/s/ JOHN B. THOMPSON, Plaintiff
Attorney, Florida Bar #231665
1172 South Dixie Hwy., Suite 111
Coral Gables, Florida 33146
Phone: 305-666-4366
amendmentone@comcast.net