

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.

**ADDENDUM TO 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, and as an addendum to that motion, states:

The following brand new rule was added to the local CM/ECF Administrative Rules pertaining to the court's electronic filing system. This new rule can be accessed by going to <http://www.flsd.uscourts.gov> and proceeding to Rule 6(c).

The below new rule was enacted and put in place more than two weeks *after* the plaintiff herein submitted to the court the best evidence available of The Florida Bar's selective prosecution of Thompson and its protection of and ongoing collaboration with a Florida lawyer who links from the home page of his Bar-regulated law firm site to this material the court called "obscenity." This same lawyer is a Bar complainant against Thompson and is improperly treated as an "untouchable" by The Florida Bar.

The brand new Rule 6(c), which may not even have been enacted properly, states:

## **6C. FILING OF MATERIALS, INCLUDING IMAGES, INAPPROPRIATE FOR DISPLAY OR DISTRIBUTION TO THE PUBLIC, INCLUDING MINORS**

Pursuant to Administrative Order 2007-50, Users shall not electronically file materials which would otherwise be inappropriate for display or distribution to the public, including minors, through PACER or the CM/ECF System. These inappropriate materials include images (not textual descriptions) depicting sexual acts or excretory acts that could be described as pornography or indecent or vulgar even if not legally obscene. A document containing such visual materials may only be filed electronically in a redacted version describing in words the images, but removing all images.

Alternatively, such documents may be filed in the conventional manner, along with a motion to seal.

Counsel and parties are cautioned that failure to protect such images from public dissemination, which includes minors, may subject them to the disciplinary authority of the Court.

Judge Jordan improperly proceeded against plaintiff herein without the above rule in place, seeking to apply it in an unconstitutional *post facto* fashion in knowing violation of Article I, Section 9 of the U.S. Constitution. The court cited an obscure Alaska case, which is completely inapposite to anything plaintiff herein did, and did so despite knowing that the Ninth Circuit Court of Appeals said that that obscure, inapposite case, should not be cited as authority. The court did so to contrive some sort of “rule” against filing “obscene” materials in a case. The Alaska case says no such thing.

This court’s pretense that there was some existing rule against filing evidence of this type has been exposed by virtue of the fact that if there had been such a rule on September 19, 2007, when the plaintiff submitted this evidence, a *new* rule would of course not have been needed.

This court, in engaging in this pretense, this subterfuge, this deception, and this calculated assault upon plaintiff's reputation, compounded by its failure to inform plaintiff of the *new* rule which did not exist on September 19, disqualifies this court from presiding not only in this case but possibly in others as well.

To make matters worse, this court has refused, as stated in its latest Omnibus Order, that it will not, despite the federal misprision statute, alert the U.S. Attorney to the commercial trafficking in this material.

What Judge Jordan did do, however, is turn plaintiff over to an *Ad Hoc* Committee on which sits Alex Acosta, US Attorney for the Southern District of Florida.

This Judge Jordan's notion of fairness, then is to seek discipline of a lawyer who reports evidence of "obscenity" trafficking, while refusing to report the "obscenity" trafficking to the one law enforcement official, in the executive branch of government who can do something about it.

This is worse than behavior requiring disqualification. It is behavior requiring impeachment, conviction, and removal from office.

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

I HEREBY CERTIFY that this has been served upon record counsel this 17<sup>th</sup> 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](mailto:amendmentone@comcast.net)