

## IN THE UNITED STATES ELEVENTH CIRCUIT COURT OF APPEALS

IN RE:

JOHN B. THOMPSON,

Petitioner,

v.

THE FLORIDA BAR, DAVA J. TUNIS,  
FRANK ANGONES, AND JOHN HARKNESS,

Respondents.

**SUPPLEMENT TO  
PETITION FOR WRIT OF PROHIBITION AND/OR WRIT OF MANDAMUS,  
AND REQUEST FOR EMERGENCY STAY OF DISTRICT COURT  
PROCEEDINGS AND STATE DISCIPLINARY PROCEEDINGS**

COMES NOW petitioner, John B. Thompson, (Thompson) an attorney on his own behalf, pursuant to Federal Rules of Appellate Procedure, Rule 21, and provides this supplement to his petition for a writ of prohibition and/or a writ of mandamus, and also requests an emergency stay of the lower court proceedings and of the state bar disciplinary proceedings, stating:

**ANOTHER TROUBLING ORDER ENTERED BY THE DISTRICT COURT**

Attached hereto is yet another order, this one dated October 22, 2007, entered by U.S. District Court Judge Adalberto Jordan. It reveals the remarkable difference in the way Judge Jordan has, on the one hand, treated a lawyer, the plaintiff, who has practiced for 31 years in Florida, in continuous good standing, and who has spent a great deal of his time, over the last 20 years trying, *pro bono*, to stanch the flow of adult-rated pornographic and adult-rated violent material to children.

On the other hand, we have the protective treatment by Judge Jordan of a lawyer, Norm Kent, who formally tried to intervene in this case and who is presently using The Florida Bar's disciplinary system as a means of collateral attack upon Thompson's efforts against not only criminal activities by a shock radio broadcaster and the video game industry's Take-Two Interactive Software, Inc., but also against Mr. Kent's criminal distribution of what Judge Jordan admits is "obscenity" with the help of The Florida Bar.

Judge Jordan lurched into his disciplinary mode against petitioner when Thompson submitted evidence, consistent with the Rules of the Southern District, of The Bar's discriminatory, selective prosecution of Thompson and its protection of Kent. The Bar repeatedly told the court, improperly, that Thompson had no evidence of selective prosecution, which would be a denial of equal protection. The Bar was allowed, by Judge Jordan, to argue its own set of facts in its motion to dismiss, asserting Thompson's facts were untrue. Judge Jordan knew this pleading tactic of not staying within the four corners of the complaint was improper, yet he did nothing. Since Judge Jordan allowed this improper pleading practice and was proceeding to a ruling based upon it, Thompson had no choice but to go through the door that The Bar opened and that the court held open for The Bar. Apparently Judge Jordan was startled that Thompson walked through that door as well.

When Thompson submitted the graphic, irrefutable evidence of The Bar's duplicity, after The Bar improperly was allowed to argue that Thompson had no proff of The Bar's "bad faith," etc., Judge Jordan entered his September 24, 2007, show cause order, attached hereto. Note in that order that Judge Jordan chides Thompson for exposing "children" to harm. The Judge incorrectly, and tellingly, informs Thompson

that he should have just provided a “link” to Kent’s site, as that would have been sufficient.

Judge Jordan knew that was a false statement when he made it, yet he made it anyway. As soon as Kent became aware of Judge Jordan’s order, he, in a panic “took down” the “obscenity” from his site, as Thompson knew he would. Judge Jordan, in that instance, was left with a link to nowhere. The court knew that, and yet Judge Jordan continues to assert Thompson acted improperly when he submitted evidence into the CM/ECF/PACER system with warning labels attached.

Now we come to how downright disjointed Judge Jordan’s orders have become in relation to what has really happened and who actually did something wrong here. This court will note that at the very end of Judge Jordan’s attached October 22 order, he states **“...I do not know whether the current allegations made by Mr. Thompson against Mr. Kent are true or not.”**

This is a disingenuous statement. Judge Jordan says in his show cause order that he could have simply clicked on a link to see the evidence of The Bar’s duplicity and Kent’s “obscenity” trafficking which proves, dramatically, The Bar’s selective prosecution. Thompson supposes he also could have submitted Mr. Kent’s admissions in court files, now pending, that he consumes a controlled substance without a prescription. The Bar couldn’t care less. Now Judge Jordan, on October 22 claims that “I do not know whether the current allegations made by Mr. Thompson against Mr. Kent are true or not” when he knows they are true and is pretending that he does not. This is the same court that says he could be relied upon to follow provided “links” to wherever they took him. He won’t follow them now. How so?

Now that the “coast is clear” as a result of Judge Jordan’s public harpooning of Thompson and Judge Jordan’s informing the world that he will not do *anything* about the criminal trafficking in obscenity in his judicial district, refusing even to send a letter to the US Attorney about this criminal activity, Kent has put even *more* pornographic material on his gay porn portal, linked to from the home page of his law firm site.





Judge Jordan now says, in his October 22 order, that he in effect has *no idea* what Mr. Kent is doing. This is the same judge who says he could have been relied upon to click on provided links to see exactly what Mr. Kent, who is at the center of The Bar’s assault upon Thompson, was doing with Bar protection. But now this judge won’t bother to determine “whether the current allegations made by Mr. Thompson against Mr. Kent are true or not.” What the judge is really saying is that he doesn’t want to know whether they are true or not. All he has to do is go to [www.normkent.com](http://www.normkent.com), click on the [www.nationalgaynews.com](http://www.nationalgaynews.com) on the home page of Kent’s Bar-regulated site, and there one is at the following listing by Kent (note that Kent is the “editor” who says that he “has no control over the contents therein, which is akin to the adult book store owner saying he has “no control” over what is in the magazines he is selling to minors:












Send your news and press releases to [editor@nationalgaynews.com](mailto:editor@nationalgaynews.com)

## Porn Sites

**National Gay News** offers these sites as a sampling of adult gay venues on the web, and has no control over the contents therein.

**SELECT adult sites for your pleasure.**

Web Link	Hits
 <a href="#">Adam</a> Adult on-line store.	Male <sub>154</sub>
 <a href="#">BadPuppy</a> The OLDEST gay porn site!	227
 <a href="#">Broken</a> Site themed as "straight" guys.	Straight Boys <sub>198</sub>
 <a href="#">EMale</a> Pictures & Movies	Center <sub>50</sub>

 <a href="#">Ebony</a>		<a href="#">Knights</a> <sub>25</sub>
Tall dark & handsome black men		
 <a href="#">Gay</a>		<a href="#">Beef</a> <sub>64</sub>
Photos and movies		
 <a href="#">Gay</a>		<a href="#">Mood</a> <sub>35</sub>
Catering to all tastes		
 <a href="#">Gay</a>		<a href="#">Demon</a> <sub>40</sub>
Reviews, pictures, videos and galleries		
 <a href="#">Gay</a>		<a href="#">Pair</a> <sub>29</sub>
Movie site		
 <a href="#">Gay</a>	<a href="#">Sex</a>	<a href="#">Freaks</a> <sub>146</sub>
Porn Directory		
 <a href="#">Gay</a>		<a href="#">Sexxx</a> <sub>143</sub>
Twinks galore!		
 <a href="#">Just</a>	<a href="#">Us</a>	<a href="#">Boys</a> <sub>266</sub>
All kinds of guys.		
 <a href="#">Movie</a>		<a href="#">Monster</a> <sub>38</sub>
Hot gay, and yes even straight adult movies		
 <a href="#">Men</a>	<a href="#">on</a>	<a href="#">the</a>
Gay Porn Adult Search Engine & Gay Sex Links Directory		<a href="#">Net</a> <sub>28</sub>
 <a href="#">Showguys</a>		146
Younger Jock types.		

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Judge Jordan, if he were to click on the Just Us Boys site above, which the ones most visited at Kent’s site and from whose pages Thompson gathered the images that Jordan found to be “obscenity,” he would see oral and anal sex acts performed by older men on younger men. This content prompted one poster at the site to call it “a site for pedophiles.” This public offering is what Kent has “no control over,” apparently not wanting to understand that ***not*** putting it out there with no age verification and thus for kids would be a form of “control.” This is what The Florida Bar is protecting, despite our Florida Supreme Court’s Rule that Internet activities by lawyers must not “diminish the dignity of our profession.”

Whom did Judge Jordan go after to protect “the dignity of our profession?” He went after the whistleblower, just as The Florida Bar has done to Thompson for the last 39 months.

When confronted with this “obscenity” trafficking by Kent, Judge Jordan back peddled, in trying to justify his discriminatory disciplinary foray against Thompson, with the assertion, which he actually placed in one of his orders, that this “obscenity” might enjoy “First Amendment protection.” This is a strange assertion by the court. Presumably any Article III judge knows that “obscenity” (the word he chose to use to lampoon Thompson for putting “children” at risk) is, by definition, material that enjoys no First Amendment protection when it is being distributed. In fact, Judge Jordan had a high-profile “obscenity” case before him recently. He should then know what the *Miller* test is and that use of the term “obscenity” connotes something. The judge certainly did not extend to Thompson his real First Amendment right to “petition the government”—the court—regarding the best evidence of The Bar’s duplicitous, equal protection-violative assault upon his law license. Judge Jordan didn’t even extend to Thompson the common courtesy of asking what Thompson was doing and why before he entered a hurtful order against him, which Judge Jordan, apparently realizing his mistake, vacated.

When Judge Jordan *stripped the court file of this evidence*, Thompson moved the court to allow him to submit verbal descriptions of what is at Kent’s site. The court ordered him not to, *despite Chief Judge Moreno’s new Administrative Order which permits Thompson to do just that!* The following is Judge Moreno’s new Administrative Order, with the highlighted portion being thwarted now by Judge Jordan:

## **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.

Thompson finds, in calling Judge Jordan's chambers yesterday on a procedural matter, that Judge Jordan has now taken over this case, removing law clerks from it, in order to handle labors in the case on his own. As a result of the court's keen interest in disciplining Thompson for his permissible submission of evidence *prior* the entry of the above Administrative Order, Judge Jordan has managed to generate the attached front page *Daily Business Review* article, which also ran nationally at [www.law.com](http://www.law.com). The case of *Thompson v. The Florida Bar, et alia* was supposed to be about the alleged unconstitutional acts of The Florida Bar, not about Judge Jordan's protection of a pornographer and his use of "discipline" to try to punish the undersigned. Norm Kent tried to intervene in the case and is now authoring articles about how Judge Jordan is on his side against the apparently closeted gay Christian attorney who "trafficks in obscenity."

Judge Jordan may be an excellent judge. With all respect, he has not acted like one in the case below. He has gone out of his way, repeatedly to publicly lampoon Thompson, and after doing so he has refused to turn the case over to another judge who

does not have his personal history of trying to use “discipline” against a lawyer in a case about “discipline.” Judge Jordan has acted in a discriminatory fashion, just as has The Florida Bar. How in the world can he continue to preside over this case?

If Judge Jordan really does not understand that he has created reasonable doubts, under the disqualification statute, about his impartiality by virtue of his discriminatory actions, then that judicial blind spot may be the most troubling of all.

Thompson is entitled to a fair trial. He can’t get it, not with Judge Jordan presiding over it. Thompson was prepared to give Judge Jordan the benefit of the doubt. That benefit has evaporated by the Judge’s own learned hand.

I HEREBY certify that this pleading has been mailed this October 24, 2007, upon The Bar’s, Harkness’, and Angones’ counsel, Barry Richard, Greenberg Traurig, 101 E. College Ave., Tallahassee FL 32301, Tunis’ counsel, Chuck Fahlbusch, Attorney General’s Office, 110 SE 6<sup>th</sup> St., Floor 10, Ft. Lauderdale, FL 33301, and to Judge Jordan at 301 North Miami Avenue, Eighth Floor, Miami, Florida 33128.

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