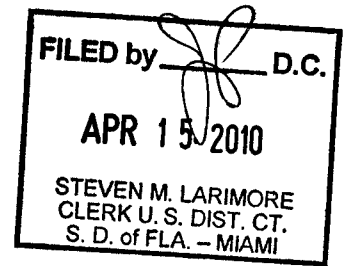


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA



JOHN B. THOMPSON,

Plaintiff,

v.

Case No. 07-21256 (Judge Adalberto Jordan)

THE FLORIDA BAR and  
DAVA J. TUNIS,

Defendants.

**PLAINTIFF'S VERIFIED MOTION FOR RELIEF FROM ORDER DISMISSING  
THIS ACTION AND MEMORANDUM OF LAW**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, on his own behalf, and moves this court, in this sworn pleading, for relief from its order dismissing this action without prejudice, stating:

1. Under Rule 60(b), Federal Rules of Civil Procedure, a party may seek relief from an order at anytime, even after the passage of more than a year after the order was entered, for "any other reason that justifies relief" if the motion for relief is "made within a reasonable time." An event just this week mandates relief from this errant order.

2. Further, under Rule 60(d), relief may be granted at anytime if the order resulted from "fraud upon the court."

3. As to Rule 60(b), the ground for relief is this: Just this week, on April 1, 2010, the Chief Judge of the Eleventh Circuit Court of Appeals entered an order based upon Thompson's motion that no federal judge who is a member of The Florida Bar can preside over a case brought by plaintiff Thompson against The Florida Bar. Such bar membership disqualifies any Florida judge. *It's about time.* Composite Exhibit A explains this long overdue order which should have been entered years ago by Judge

Huck of this court, since Judge Huck held just that in the Tom Tew case against The Bar assigned to Judge Huck. Judge Huck, however, when moved to disqualify himself from Thompson v. The Florida Bar, invoked this District Court's "Jack Thompson Rule," which, in its essence, is this: If Jack Thompson seeks relief granted other litigants, deny it, because this is Jack Thompson we're dealing with, The Florida Bar's Public Enemy Number One."

4. Thompson repeatedly argued this ground for disqualification to the judges of this very U.S. District Court for the Southern District of Florida. All he got from those judges was ridicule for his position, most notably from The Honorable Paul C. Huck, who thus set the tone for all the other judges of this District Court in mocking Thompson from the bench for his alleged lack of intelligence and his mental infirmity.

5. Thompson, in fact, repeatedly moved Judge Jordan to recuse himself from this instant action because of his membership in what Thompson correctly called "The Club," fashioned by self-proclaimed "Guardians of Democracy" at The Florida Bar.

6. The Eleventh Circuit's order proves that Judge Jordan was in error in not recusing himself, as was Judge Huck, as was every other federal judge in Florida who was and is a member of The Florida Bar, which would happen to be...everyone.

7. Judge Jordan's refusal to recuse renders his order vitiated and arguably voidable in a separate action that is allowed by Rule 60. Thompson should not have to bring that separate action. He is entitled to relief from this improper dismissal order now. Judge Jordan should, then, finally do the right thing, admit he was in error, according to the Eleventh Circuit, not to recuse himself, vacate his dismissal order, and thereby breathe life back into this case that was wrongly dismissed by a disqualified judge.

Maybe then The Florida Bar will start acting like a state regulatory agency rather than like the “goose-stepping brigades” that U.S. Supreme Court Justice Douglas predicted integrated state bars like Florida’s would eventually become.

8. Further, on separate grounds in addition to Rule 60(b), which grounds are not, however, needed in light of the above analysis, The Florida Bar committed a fraud upon this court when it asserted it was simply acting as “an honest broker” in correctly processing bar complaints by others against Thompson “*according to its own Rules.*” Baloney.

9. There was a mountain of bad faith by The Bar, including but not limited to patent fraud proven by the attached Exhibit B. This document was provided to Thompson in response to a public records request he served upon the Florida Supreme Court after this instant case was dismissed by Judge Jordan. Note what it says all in bold, capitalized letters, as to what circuit’s judges, sitting as bar referees, must preside over “**OUT OF STATE OFFENSES.**” Answer: They must be assigned to the “**SECOND JUDICIAL CIRCUIT.**”

Was Thompson tried for “out of state offenses?” Yes, indeed he was, as he was formally charged with violations of Alabama State Bar Rules in the Florida Supreme Court’s charging document. *Who had to preside over the trial of those offenses?* A Second Judicial Circuit judge. Where does Thompson’s Bar Referee Dava Tunis preside? Why, in the Eleventh Judicial Circuit. Who knew all along that Thompson was being tried to the wrong circuit’s judge sitting as a referee? Why, it was The Florida Bar *which knew from the very outset* that Tunis had absolutely *no jurisdiction* over Thompson’s alleged offenses in Alabama. The Bar broke the Supreme Court’s formal

venue rule in order to get Thompson's alleged offenses before a grievance committee whose first Designated Reviewer was Ben Kuehne and then Steve Chaykin. The Bar wanted a rigged result, so it rigged the venue.

By virtue of the fact that Tunis had no jurisdiction to preside over a trial of those alleged Alabama offenses, her formal Final Referee's Report is void, and the disbarment order upon which it is based is void *ab initio*. As Florida Supreme Court Justices Polston and Canady recently asked in an opinion: "Is it too much to ask that The Florida Bar obey its own Rules?" Apparently it is too much to ask. Is it similarly too much to ask for this Article III judge, in the person of The Honorable Adalberto Jordan, that he made a mistake in this case, or are we to proceed, at the cost of the undersigned's professional career, on the premise that Article III judges, like the Pope, are infallible?

This is not just fraud by The Bar. This is damned fraud, and this court now knowingly labors under it.

WHEREFORE, this court's ill-advised order to dismiss this action, coupled with its erroneous but abiding refusal to recuse itself, must be vacated. The Eleventh Circuit Court of Appeals has thrown a gigantic monkey wrench into this hijacking of The Florida Bar for reasons that have nothing to do with discipline. The Eleventh Circuit has also blown the whistle on the chronic practice of federal judges, who are members of The Florida Bar, of using "abstention" to protect The Bar, no matter how egregious and unconscionable The Bar's conduct has been.

What The Bar used as its strength—the fact that it has held sway over state and federal judges—has, in an ironic twist that would not surprise the ancient Greeks, turned out to be its greatest vulnerability. In insinuating itself into this state's judiciary it has

disqualified each and every Florida Bar member judge from ever presiding over any case that is ever brought against The Bar for its wrongful acts.

Thompson has now scored yet another legal first in his maverick, unconventional, yet useful legal career. His reinstatement as a lawyer is next, and this court should and now must, according to the Eleventh Circuit, get out of the way.

Vacate the dismissal order. You never should have presided over this case, so sayeth the Eleventh Circuit.

I solemnly swear, under penalty of perjury, that the foregoing facts are true, correct, and complete, so help me God.

Signed, John B. Thompson



MEMORANDUM OF LAW

See In re Murchison, 349 U.S. 133 (1955), and the mountain of other United States Supreme Court cases that guarantee any litigant a fair and impartial tribunal, which is to be beyond the appearance of impropriety.

I HEREBY CERTIFY that this has been served upon record counsel for The Florida Bar and Dava Tunis this pleading this April 14, 2010.



JOHN B. THOMPSON, Plaintiff  
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[amendmentone@comcast.net](mailto:amendmentone@comcast.net)

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**JOHN B. THOMPSON,**

Plaintiff,

-vs-

Case No. 6:10-cv-442-Orl-31KRS

**THE FLORIDA BAR  
and THE FLORIDA SUPREME COURT,**

Defendants.

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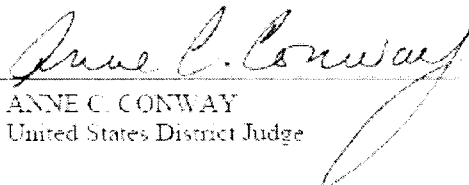
**ORDER**

This case is STAYED pending direction from the Chief Judge of the Court of Appeals for the Eleventh Circuit regarding reassignment.

**DONE and ORDERED** in Chambers. in Orlando, Florida on April 1, 2010.

Copies furnished to:

Counsel of Record  
Unrepresented Party  
Division Manager

  
\_\_\_\_\_  
ANNE C. CONWAY  
United States District Judge

**ATTACHMENT / EXHIBIT**



**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**JOHN B. THOMPSON,**

**Plaintiff,**

**-vs-**

**Case No. 6:10-cv-442-Orl-31DAB**

**THE FLORIDA BAR and THE FLORIDA  
SUPREME COURT,**

**Defendants.**

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**ORDER OF RECUSAL**

Pursuant to 28 U.S.C. § 455(a) and in the interest of justice, I hereby recuse myself from this matter and request that this case NOT be reassigned to a magistrate in this district. As all judges in this district have the same disqualification in this matter, it is respectfully suggested that the newly assigned District Judge request a magistrate outside of this district, if needed.

**DONE and ORDERED** in Orlando, Florida on April 9, 2010.

*David A. Baker*

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DAVID A. BAKER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

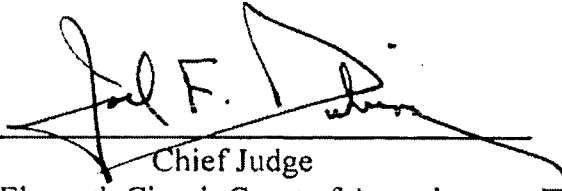
Hon. Dudley H. Bowen, Jr., assigned presiding judge  
Counsel of Record  
Unrepresented Parties

**DESIGNATION OF UNITED STATES JUDGE  
FOR SERVICE WITHIN THE CIRCUIT**

6:10-me-45-Orl

The Honorable Dudley H. Bowen, Jr., Southern District of Georgia, having indicated that he is willing and able to perform the duties of district judge in the United States District Court for the Middle District of Florida in the case of *Thompson v. The Florida Bar and the Florida Supreme Court*, Case No. 6:10-cv-442-Orl-31KRS.

NOW THEREFORE, pursuant to the authority vested in me by Title 28, United States Code, Section 292(a) and 294(c), I do hereby designate and assign the Honorable Dudley H. Bowen, Jr. to perform the duties of district judge in the United States District Court for the Middle District of Florida in the case of *Thompson v. The Florida Bar and the Florida Supreme Court*, Case No. 6:10-cv-442-Orl-31KRS.

  
\_\_\_\_\_  
Chief Judge  
Eleventh Circuit Court of Appeals

Dated: April 2, 2010



**Designated Pairing of Circuits  
for the Appointment of Referees**

FIRST and FOURTEENTH  
SECOND and THIRD  
THIRD and SECOND  
FOURTH and SEVENTH  
FIFTH and EIGHTH  
SIXTH and THIRTEENTH  
SEVENTH and FOURTH  
EIGHTH and FIFTH  
NINTH and TENTH (from 9th Circuit – Assigned on rotation basis)  
TENTH and NINTH  
ELEVENTH (The Eleventh Circuit will handle their own cases)  
TWELFTH and TWENTIETH  
THIRTEENTH and SIXTH  
FOURTEENTH and FIRST  
FIFTEENTH and SEVENTEENTH  
SIXTEENTH (The 11th Circuit will handle)  
SEVENTEENTH and FIFTEENTH  
EIGHTEENTH and NINETEENTH  
NINETEENTH and EIGHTEENTH  
TWENTIETH and TWELFTH

**OUT OF STATE OFFENSES – ASSIGNED TO SECOND JUDICIAL  
CIRCUIT**

**Cases from the 9th Circuit will now be assigned as follows:**

- Every second assignment will go to the 10th Circuit
- The other cases will be assigned to the 5th, 7th, 18th, or 19th circuits
- If there is a pending case involving the same respondent, the new case will be assigned to the same judge, if possible

**Notes:**

- UPL cases are not paired. Wherever the venue is, assign to that same circuit
- Reinstatement cases are assigned to previous circuit
- If a previous case, then assign to that same circuit
- Always assign to the circuit where the offense occurred
- If a judge is retired from a previous circuit, then reassign to circuit where venue is