UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21256-CIV-JORDAN

JOHN B. THOMPSON,
Plaintiff,
vs.
THE FLORIDA BAR, et al.,
Defendants.

ORDER DENYING RULE 60 MOTION

Mr. Thompson's latest Rule 60 motion [D.E. 445] is DENIED.

Mr. Thompson has moved for relief from the order dismissing this case under Rule 60(b)(6), on the theory that I was a biased judge in his case against the Florida Bar. Mr. Thompson claims that I am partial because I have a financial interest in the Florida Bar. Specifically, I have previously spoken on legal issues at events hosted by the Florida Bar or related organizations. As a speaker at these events, I receive "all-expenses-paid junkets provided by the Florida Bar." Having just discovered this public information, Mr. Thompson now seeks relief from the order dismissing this case because these new facts show that I was not an impartial judge.

Although he seeks relief under Rule 60(b)(6), Rule 60(b)(2) of the Federal Rules of Civil Procedure is more apt, for it deals with newly discovered evidence. I may relieve Mr. Thompson of the order dismissing his case because of "newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)." FED. R. CIV. P. 60(b)(2). Here, Mr. Thompson's argument crumbles.

First, the events in which I speak are matters of public record. Most of the events are open to the public or individuals in the legal workforce and are heavily advertised. Indeed, in his motion, Mr. Thompson himself quotes *The Florida Bar News*, a widely circulated journal. Thus, with due diligence, Mr. Thompson could have attained this information within time to move for a new trial. *See Scutieri v. Paige*, 808 F.2d 785, 794 (11th Cir. 1987) ("Evidence that is contained in the public record at the time of trial cannot be considered newly discovered evidence.").

Second, although Mr. Thompson could not have, with due diligence, discovered the events at which I spoke in 2008 and 2009, this case ended sometime in 2007. Any public speaking that I did in 2008 and 2009 could not have possibly influenced my decision to dismiss this case in 2007.

Even if I consider Mr. Thompson's motion under Rule 60(b)(6), I cannot grant Mr. Thompson's motion. Rule 60(b)(6) motions should only disturb the finality of judgment in extraordinary circumstances. *See Toole v. Baxter Healthcare Corp.*, 235 F.3d 1307, 1316 (11th Cir. 2000). There is nothing extraordinary about these circumstances, and Mr. Thompson could have raised these arguments in his myriad previous motions for recusal.

Accordingly, Mr. Thompson's Rule 60 motion [D.E. 445] is DENIED.

DONE and ORDERED in chambers in Miami, Florida, this 3rd day of December, 2011.

Adalberto Jordan
United States District Judge

cc: All counsel of record
John B. Thompson, pro se
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