

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 18-20596-CIV-MORENO

JONATHAN MULLANE,

Plaintiff,

vs.

BARCLAYS BANK OF DELAWARE, INC.,

Defendant.

ORDER GRANTING PLAINTIFF'S VERIFIED MOTION FOR RECUSAL

THIS CAUSE came before the Court upon Plaintiff's Verified Motion for Recusal (**D.E. 39**), filed on **April 13, 2018**. THE COURT has considered the motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the motion is GRANTED. The undersigned Judge, to whom the cause was assigned, recuses himself and refers this cause to the Clerk of Court for reassignment pursuant to 28 U.S.C. § 455 and Local Rule 3.6.

In granting the motion, the undersigned judge is troubled by the lack of truthfulness of a future member of the bar. For example, the motion states that the Plaintiff, a second-year law student and an intern at the United States Attorney's Office was "wearing shorts and flip-flops" on the day that he entered chambers to inquire as to how he could file a "petition for mandamus" because the Court had not ruled on a motion for default.¹ However, according to the log of attendance at the United States Attorney's Office, Plaintiff reported that he worked from 11:00 AM to 5:00 PM on the day in question, Friday, March 23, the date that chambers was short-

¹ A motion to dismiss was filed, precluding any default in this eight-week-old case that was referred to Magistrate Judge Louis.

staffed due to traffic because of the Ultra concert in Miami. The Court will ask the United States Marshall to retrieve the surveillance tapes of the building and chambers from that date to see if in fact the Plaintiff was “in shorts and flip-flops,” or was dressed as someone working at the U.S. Attorney’s Office.

The undersigned judge did set a hearing to strongly advise the Plaintiff that his reputation was more important than the case because he interned at the United States Attorney’s office and will be seeking admission to the Florida Bar. The undersigned judge continues to be concerned with the law student’s lack of awareness of what ex-parte communications are and the importance of candor by litigants, particularly future lawyers.

Because of these concerns, the Court will grant the Plaintiff’s motion to recuse. However, the Court reserves the right upon further investigation to refer the matter to the Florida Bar, the University of Miami School of Law, and the United States Attorney for any action they deem appropriate.

DONE AND ORDERED in Chambers at Miami, Florida, this 13th of April 2018.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

United States Magistrate Judge Lauren F. Louis

Counsel of Record

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