

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 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, stating:

28 USC 455 provides that "(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

THE COURT'S NEWEST "IN YOUR FACE" ORDER

As if this court had not sufficiently revealed its bias and animosity against Thompson prior to this date, it decided to enter a new order dated October 1 stating the following. Apparently the court thinks it is clever when it writes, when all it does is convey is condescending bias:

"Despite what Mr. Thompson may think, this case is not a war with the world regarding the state of its moral standards (if it is, I clearly do not have jurisdiction). Therefore, he cannot continue to use this case as platform [*sic*] to battle everything in society with which he disagrees."

With all respect for the *office* of this court, the day that Thompson thinks that the federal judiciary is either the repository of morality or an authoritative arbiter of moral standards is the moment that Thompson really does need the mental health examination that The Bar illegally demands. The Founders wrote of “public virtue,” and they understood that government would never be the source of it but rather the corroder of it.

After all, this particular judge was nominated by a President who could not decide what the meaning of the word “is” is and who told the nation that “he did not have sexual relations with that woman.” Does this plaintiff think that this court should be the moral arbiter of anything and that this case should be the “platform to battle everything?” Not anymore than he thinks pedophiles should be in charge of a day care center.

This court, as if it were King Canute ordering the tide not to come in (although Canute knew better), today orders Thompson to stop filing responses to this court’s Order to Show Cause of September 24. Too late. The court should have stopped to consider what would happen when it unethically and illegally entered an order that is a masterwork in mendacity. This court fabricated out of whole cloth the assertion that Thompson had exposed “children” to “obscenity,” and the court knowingly misrepresented the legal ruling in the *Adams v. Nankervis*. No fair court in its right mind would have even considered that *Adams* described anything Thompson had done.

Now that Thompson spent his entire Sunday doing legal research and crafting the analysis of the aforementioned case upon which this court foolishly chose to hang its show cause hat, the court orders Thompson to stop with his responses. The court got caught misrepresenting the facts and the law, and now the court wants Thompson to stop pointing out the court’s gross abuse of its discretion. It should have thought of that

before it fabricated out of whole cloth is September 24 order that is the single worst disregard of the truth by a court that Thompson has seen in his 31 years of practicing law. Thompson, upon receipt of it, is embarrassed not by his conduct but that a federal judge could actually concoct such a fib.

The court is like the schoolyard bully who taunts and throws the first punch, and then complains that what he wanted to be a human punching bag is punching back.

If this court can cite some authority for the proposition that when a court enters an order against a party that the court knows is fraudulent in its knowing misrepresentation of a specific case upon which it based its illegal order, then Thompson will be happy to obey that legal authority.

Thompson was a foot soldier in what some call the “culture war” when the judge who presides over this case was still in law school. Thompson doesn’t need nor does he appreciate the condescending arrogance of a federal judge who pretends as if Thompson thinks that this case is to be a forum for his social agenda.

All Thompson sought was a fair federal judge who would look at the due process, equal protection, and First Amendment violations of The Florida Bar and decide if they should be enjoined. This court borders on paranoia if it thinks Thompson wanted more than that. But the court wants way more than that; it attributes motives to him that he does not have an in playing the foolish role of amateur psychologist disgraces the federal bench.

THE COURT IS VIOLATING ITS OATH OF OFFICE

Here is the oath this court took when it assumed office: “I _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and

do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all duties incumbent upon me as _____ under the Constitution and laws of the United States. So help me God.”

This court lost *any* presumption of impartiality and any semblance of basic professionalism and decency when it entered its September 24 show cause order. This court prevaricated (to use a kind word) about Thompson did and then applied a ruling that doesn’t exist to stigmatize him. In doing so, this court adopted the “shoot the messenger” tactics of The Bar and of the porn-to-kids industry, and went them one better by now telling Thompson to shut up—or else.

**THERE IS NO JUDICIAL IMMUNITY FOR THE COURT’S
ADMINISTRATIVE, NONJUDICIAL ACTS**

This court’s *threat* in its bizarre September 24 Order to unleash this rump *Ad Hoc* Committee on him in retaliation for his coming forward with the proof, the best evidence, of The Florida Bar’s selective prosecution of him is an *ultra vires* act by this court that is not in any fashion a discharge of its purely judicial functions. There is no question that a court of law, and the judge that presides over it, is entitled to absolute immunity for its decision-making, purely judicial functions.

However, apparently this court does not know that the United States Supreme Court has made it *really* clear that when it a court goes beyond its pure decision-making judicial function, then it strips itself of its judicial immunity and exposes fully the *person* of the judge, individually, as a private citizen, to a claim for damages. Thompson is not certain how a federal judge does not know this body of law.

If the court, for example, were discharging a purely judicial duty in threatening him with the discipline of the *ad hoc committee*, then the court would have sanctioned Thompson by itself. But by calling upon a rump committee, the court lays bare its extra-judicial, administrative purpose. The court was careless, and in being so set a snare for itself.

Thompson has the case authority to prove even to this court that it has, by its *ultra vires*, non-purely judicial act of threatening him with an *ad hoc* committee, exposed the individual person of the judge who acted improperly to a tort action to make Thompson whole. But just as this court chose not to share the text of the real *Adams* ruling with him, Thompson leaves it to this court's crack legal clerks to dig out the rather troubling case law as to how narrow "judicial immunity" in an instance such as this really is.

THE PROBLEM OF A LAWYER LICENSED BY THE FLORIDA BAR JUDGING THE FLORIDA BAR

This court's robed colleague, Judge Huck, understood that a lawyer licensed by The Florida Bar can't sit in judgment of The Florida Bar when the lawyer inconvenienced by this patent disqualification was Tom Tew, he of the SLAPP-happy, SLAPP Jack Thompson with a SLAPP Bar complaint law firm of Tew Cardenas. Judge Huck forgot his reasoning when Jack Thompson came along with his lawsuit against The Bar.

The patent bias of Judge Jordan may in part stem from his loyalty to The Florida Bar's elitists and their ilk who call themselves the "Guardians of Democracy." So convinced are the special people who sit in the highest places of our legal profession that DOJ "target letters" are just a mere mosquito in the halls of brilliant justice to be swatted away. In fact, when the undersigned raised the issue of The Bar's designated target, Ben Kuehne, as proof of "extraordinary circumstances" undercutting the fairness of the state

disciplinary proceedings, (See *Middlesex*) the court dismissively said, “I don’t want to hear about that.” Thompson apologizes for not recognizing that dismissiveness of a key issue was a harbinger of judicial bias to come.

Further, when his court actually stated in an order that the forensic evaluation of Dr. Wunderman could be filed with the court, although it was “irrelevant” despite the fact that it clearly showed the bad faith of The Bar in its attempt to pathologize Thompson’s Christian faith yet again(!), Thompson should have known that he had before him a judge for whom the facts and the law and the actual holdings in frozen Alaska *mean absolutely nothing.*

In point of fact, Thompson is akin to Flounder in *Animal House*, when he is told by the brothers, “Hey, you screwed up. You trusted us.”

The undersigned trusted that this court would simply play this case down the middle and rule based upon the facts and the law. He did not assume this court would make up facts and misrepresent the law.

If this court has *any* sense of decency, in the common sense of the term, it will realize that it has so thoroughly revealed its bias and animus against the plaintiff that it has no choice to disqualify itself from presiding further herein. There may be no Florida judge capable of sitting in judgment of the holier-than-Thou Florida Bar. Certainly this one cannot.

WHEREFORE, Thompson moves this court to disqualify itself from presiding in this case, as no reasonable, sane person could possibly, reasonably conclude that this court will be anything but unfair to Thompson in light of the patent unfairness and mendacity evidenced by this court to date. This court blew it with its September 24

Show Cause Order. Until then Thompson was prepared to assume Judge Jordan would be fair. It is now clear that he can be anything but.

Thompson will have his day in court, whether this Judge likes it or not.

I solemnly swear, under penalty of perjury, that the foregoing is a true, correct, and complete account of the facts, so help me God!

I HEREBY CERTIFY that this has been served upon record counsel this 1st day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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