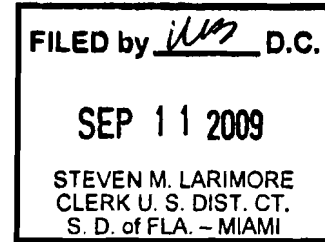


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2009-33

IN RE: ORDER OF RECIPROCAL  
DISBARMENT OF ATTORNEY  
JOHN BRUCE THOMPSON, FLORIDA  
BAR # 231665

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**ORDER OF RECIPROCAL DISBARMENT**

This matter is before the Court concerning the status of John Bruce Thompson as a member of the bar of the Southern District of Florida. On September 25, 2008, Mr. Thompson was disbarred by the Florida Supreme Court in an opinion adopting a 169 page Report (Corrected) issued by state Circuit Judge Dava Tunis, acting as Referee, detailing numerous violations of the Florida Bar Rules. *See The Florida Bar v. Thompson*, 994 So. 2d 306 (Fla. 2008). The Court likewise precludes Mr. Thompson from practicing law in the Southern District of Florida and he is hereby disbarred.

The Florida Supreme Court found that Mr. Thompson had made repetitive frivolous filings and required that all further submissions by him be through counsel. *See The Florida Bar v. Thompson*, 979 So. 2d 917 (Fla. 2008). Mr. Thompson failed to comply and the Report was considered by the Florida Supreme Court as uncontested. The Florida Supreme Court disbarred Mr. Thompson.

Mr. Thompson then sued the Florida Bar (Case No. 09-20327-CIV-HUCK) in this District alleging violations of his constitutional rights. He seeks a stay of this Court's administrative action on his disbarment from Federal Court pending disposition of that case. Mr. Thompson has also moved in this proceeding to disqualify the undersigned Chief Judge from acting in his administrative capacity to issue an order. Mr. Thompson has already been disbarred by the Florida Supreme Court

and this Court is considering, as it does in all cases where lawyers are disbarred by the Florida Supreme Court, whether he should be reciprocally disbarred from the Southern District of Florida.

The Court denies the motions to recuse and to stay and disbars Mr. Thompson as he is no longer a practicing lawyer in Florida or any other state. In the event that Mr. Thompson is readmitted to the Florida Bar, the Court will then consider whether to readmit him to practice law in the Southern District of Florida. Mr. Thompson has failed to state any reasons why imposition of like discipline by this Court would be “unwarranted and the reasons therefore,” as set out by Rule V of the Southern District of Florida Rules Governing Attorney Discipline.

The case law governing reciprocal disbarment proceedings is well-settled. The Supreme Court has held that “disbarment by federal courts does not automatically flow from disbarment by state courts.” *Theard v. United States*, 354 U.S. 278, 282 (1957). State court disbarment, however, should be recognized in Federal Courts unless after “intrinsic consideration” of the state record it appears that: (1) the state proceeding lacked due process; (2) the proof in the state proceeding was so infirm “as to give rise to a clear conviction on our part that we could not, consistently with our duty, accept as final the conclusion” of the state court; or (3) “some other grave reason existed which should convince us that to allow the natural consequences of the judgment to have their effect would conflict with the duty which rests upon us not to disbar except upon the conviction that, under principles of right and justice, we were constrained so to do.” See *In the Matter of Calvo*, 88 F.3d 962, 966-67 (11th Cir. 1996) (quoting *Selling v. Radford*, 243 U.S. 46, 51 (1917)); see also Rule V, S.D. Fla. Rules Governing Attorney Discipline (imposing a *Selling*-based analysis for reciprocal discipline matters). Mr. Thompson has failed to show any of these.

In fact, Mr. Thompson failed to comply with his obligation to submit the state court record,

as he was required to do when this Court issued its Rule to Show Cause. The Court is not required, as Mr. Thompson argues, to provide a *de novo* review of the state court proceedings, which necessarily depends upon submission of the state court record that Mr. Thompson has failed to provide. The Court, however, in reviewing the opinion of the Florida Supreme Court and the Referee's report finds no reason to allow Mr. Thompson, a disbarred Florida attorney, to practice law in the Southern District of Florida. Under *Selling*, this Court must consider whether lack of due process, infirmity of proof, or some "grave reason" under principles of "right and justice" compel the Court to refrain from reciprocal disbarment. Mr. Thompson has failed to present anything that would remotely approach lack of due process, infirmity of proof, or any other reason, let alone a "grave reason" not to impose the reciprocal disbarment that it imposes on lawyers disbarred by the Florida Supreme Court.

Mr. Thompson also complains that his disciplinary file is not public. To protect lawyers from unfounded accusations, grievance proceedings in the Southern District of Florida are not public until such time as the Court issues an order. Rule III(C) of the Southern District of Florida's Rules Governing Attorney Discipline provides that the records and all other materials "shall in all other respects remain strictly confidential unless and until ordered by the Court." Of course, any attorney subject to a grievance can access the documents constituting the grievance file as provided by Rule III(C). In this particular case, Mr. Thompson's file consists of the Show Cause Order, the record from the proceedings in the Florida Supreme Court, and his own correspondence. All of which Mr. Thompson can access. However, Mr. Thompson as the Respondent in a grievance proceeding is indeed entitled to see the file. Accordingly, the Court does not find that Mr. Thompson's complaint regarding access to documents impedes in any way his reciprocal disbarment.

## MOTION TO STAY

In various filings, Mr. Thompson contends that this reciprocal disbarment proceeding should be stayed pending the outcome of *Thompson v. The Florida Bar*, 09-20327-CIV-HUCK. In that matter, Mr. Thompson seeks declaratory and injunctive relief, as well as monetary damages, arising out of substantially the same circumstances first raised in his cases before Southern District of Florida Judges Paul C. Huck and Adalberto Jordan, which were dismissed by those judges in 2006 and 2007 respectively under principles of abstention. Mr. Thompson is not a member of the Florida Bar and there is no reason to stay his reciprocal disbarment pending the outcome of his new 2009 case pending before Southern District of Florida Judge Huck.

## DISQUALIFICATION

Mr. Thompson contends in numerous submissions that the undersigned should be disqualified from hearing this reciprocal disbarment matter due to “unclean hands,” personal “animus” towards Mr. Thompson, and the “illegal placement of Thompson on a terrorist watch list in retribution for Mr. Thompson’s fact-based complaint about the misconduct of certain judges in this district court under his supervision.” *See, e.g.*, Thompson’s Motion to Vacate/Discharge Show Cause Order dated August 10, 2009. The gravamen of his claims of bias directly stem from actions purportedly taken in my capacity as Chief Judge.

### A. 28 U.S.C. § 144

A Motion to Recuse filed under 28 U.S.C. § 144 is aimed at recusing a judge for actual bias, as well as the appearance of impropriety. The section requires a party’s timely affidavit, which must be submitted along with counsel’s additional certification of good faith. Section 144 reads as follows:

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

28 U.S.C. § 144. In determining whether recusal is appropriate, therefore, the Court must first determine whether the following three elements have been met: (1) whether a party has made and timely filed an affidavit; (2) whether the affidavit is accompanied by a good faith certificate of counsel; and (3) whether the affidavit is legally sufficient. *Parrish v. Bd. of Comm'rs of the Ala. State Bar*, 524 F.2d 98, 100 (5th Cir. 1975) (*en banc*). Mr. Thompson has failed to meet these grounds.

B. 28 U.S.C. § 455

Section 455 requires a district judge to recuse “in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a); *Thomas v. Tenneco Packaging Co.*, 293 F.3d 1306, 1329 (11th Cir. 2002). In *Thomas*, the Eleventh Circuit stated:

Under § 455, the standard is whether an objective, fully informed lay observer would entertain significant doubt about the judge’s impartiality. Furthermore, the general rule is that bias sufficient to disqualify a judge must stem from extrajudicial sources.

*Id.* (quoting *Hamm v. Bd. of Regents*, 708 F.2d 647, 651 (11th Cir. 1983)) (internal citations omitted). Mr. Thompson fails under this statute too. As the Court explained in a letter to Mr.

Thompson (see attached), the undersigned has never placed Mr. Thompson on a “terrorist list” nor directed the United States Marshal to visit Mr. Thompson at his home. Mr. Thompson has indicated in numerous filings, letters, and e-mails to this Court and to members of the Bar that this Court has placed him on a “terrorist list” and that the undersigned, as Chief Judge, has failed to “supervise” his colleagues in the District Court. While it may be difficult for Mr. Thompson to understand that a Federal Chief Judge does not “supervise” other District Judges, with whose rulings Mr. Thompson disagrees, that is, in fact, the case. Likewise, a Federal Chief Judge does not direct the United States Marshal, who is under the supervision of the Attorney General as head of the Department of Justice. Thus, Mr. Thompson’s reasons to recuse the Court from acting on his reciprocal disbarment are legally insufficient, and even if believed by Mr. Thompson, they are simply not accurate.

The undersigned has no animosity toward Mr. Thompson’s crusade against the hard core pornography, about which Mr. Thompson notes in numerous pleadings, including the last one filed in a sealed envelope with graphic photographs of sexual acts allegedly obtained in a link included in an attorney’s website. Neither is the undersigned biased against Mr. Thompson’s Christian faith, shared by many Americans, including this Judge. It is not Mr. Thompson’s faith that had him disbarred by the Florida Supreme Court, but his actions and his failure to comply with the rule of law. Having been disbarred and having failed to present any ground to prevent reciprocal disbarment, Mr. Thompson is hereby disbarred from the Southern District of Florida.

DONE AND ORDERED in chambers this 11<sup>th</sup> day of September, 2009.

  
FEDERICO A. MORENO  
CHIEF UNITED STATES DISTRICT JUDGES

c: Honorable Joel F. Dubina, Chief Judge, Eleventh Circuit  
All Miami Eleventh Circuit Court of Appeals Judges  
All Southern District and Magistrate Judges  
United States Attorney  
Circuit Executive  
United States Attorney  
Federal Public Defender  
Clerk of Court, 11th Circuit  
Clerk of Court  
National Lawyer Regulatory Data Bank  
Florida Bar  
Attorney Admissions Clerk  
Library  
John Bruce Thompson, 5721 Riviera Drive, Coral Gables, Florida 33146-2750

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FEDERAL JUSTICE BUILDING  
TENTH FLOOR  
99 NORTHEAST 4TH STREET  
MIAMI, FLORIDA 33132

FEDERICO A. MORENO  
CHIEF U.S. DISTRICT JUDGE

June 19, 2008

John B. Thompson, Esq.  
5721 Riviera Drive  
Coral Gables, Florida 33146

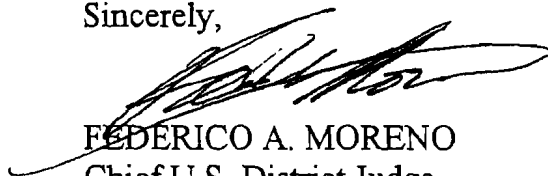
Dear Mr. Thompson.

I am in receipt of your last letter of June 16, 2008 in which you advised me that you were visited by "two U.S. Marshals who were nice gentlemen, and very professional and courteous in their dealings with you." I share your admiration for the U.S. Marshal Service. I, as a member of the separate branch of the Judiciary, do not "dispatch" nor direct the U.S. Marshals. I suspect, though have not confirmed, that the deputies were, as usual, acting in good faith in investigating any potential threat as they saw it.

I personally have not expressed to anyone any feeling of being threatened by your correspondence. At the same time I cannot interfere with any Marshal's investigation of anyone or anything that deputies may perceive as appropriate subjects to investigate. In fact, I appreciate their constant concern for all of the judges' safety.

As I wrote to you in my letter of October 11, 2007, I do not "supervise" other district judges. If you feel that a judge has erred, the appellate judges in Atlanta are the ones who can decide what to do about it.

Sincerely,



FEDERICO A. MORENO  
Chief U.S. District Judge

FAM/smc