

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

CASE NUMBER: 2:22-cv-14102-DMM

DONALD J. TRUMP,

Plaintiff,

v.

HILLARY R. CLINTON, et al.,

Defendant.

PLAINTIFF'S MOTION TO DISQUALIFY JUDGE MIDDLEBROOKS

The Plaintiff, DONALD J. TRUMP, by and through his undersigned counsel, hereby files his Motion to Disqualify The Honorable Donald M. Middlebrooks, United States District Judge for the Southern District of Florida, under 28 U.S.C. § 455, and as grounds for disqualification states as follows:

1. The Plaintiff files this Motion for Disqualification of the Honorable Donald M. Middlebrooks under 28. U.S.C. § 455(a).
2. The basis for the disqualification of the presiding Judge is that Donald M. Middlebrooks was nominated to his current position as a Federal Court Judge, on January 7, 1997, by the then 42nd President of the United States, William J. Clinton.
3. William J. Clinton and the Defendant, HILLARY CLINTON, are presently husband and wife. HILLARY CLINTON was married to William J. Clinton, during the time her husband nominated Judge M. Middlebrooks to his current position, as Federal Court Judge, and

HILLARY CLINTON acted as First Lady of the United States, during the time of the Judge's nomination.

4. Due to the fact that the Defendant, HILLARY CLINTON is being sued by her former opponent for the United States Presidency, an election that she lost, regarding serious allegations on her part, as well as her allies, of engaging in fraudulent and unlawful activities against the Plaintiff, and because her husband nominated Judge Middlebrooks to the Federal Bench, there exists a reasonable basis that Judge Middlebrooks' impartiality will be questioned.

5. 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."

6. Due to the fact that Judge Middlebrooks has a relationship to the Defendant, HILLARY CLINTON's husband, by way of his nomination as Judge to this Court, this amounts to prejudice so virulent or pervasive as to constitute bias against a party. See *Hamm v. Members of Bd. Of Regents*, 709 F.2d 647, 651 (11th Cir. 1983); *Davis*, 517 F. 2d at 1052.

7. Moreover, the Plaintiff is unaware of the exact extent of the relationship between Judge Middlebrooks and the Defendant, HILLARY CLINTON, herself, who acted as First Lady of the United States, during the time of the Judge's nomination to Federal Court Judge.

8. The Plaintiff is also unaware if the Judge has current relationship with either the Defendant, HILLARY CLINTON, or her husband, and how far back the relationship has existed.

9. In this circuit, "the test for determining whether a judge's impartiality might reasonably be questioned is an objective one and requires asking whether a disinterested observer fully informed of the facts would entertain a significant doubt as to the judge's impartiality." *Bivens Gardens Office Bldg., Inc. v. Barnett Banks of Fla.*, 140 F.3d 898, 912 (11

Cir. 1998) (citing *Diversified Numismatics, Inc. v. City of Orlando*, 949 F.2d 382, 385 (11 Cir. 1991).

10. There is no question that Judge's Middlebrooks' impartiality would be questioned by a disinterested observer, fully informed of the facts, due to Judge's relationship with the Defendant, either, individually, or by the very nature of his appointment to the Federal Bench, by the Defendant's husband.

11. The most important issue is not simply that justice must be done, but also that justice must appear to be done. This could not be more important in a case like the above styled cause, where wrongs in regard to a presidential election are to be redressed.

12. Due to the reasonable questioning of the Judge's impartiality, based on the Judge's nomination as a Federal Court Judge, the Honorable Judge Middlebrooks should be disqualified from this Case, and should recuse himself from acting in any capacity in this subject litigation.

WHEREFORE, the Plaintiff, DONALD J. TRUMP, respectfully requests that the Honorable Donald J. Middlebrooks be disqualified from the above styled litigation, and that he recuse himself from acting in any capacity, whatsoever, in this subject litigation, and any other relief this Court may deem just and proper.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(3)

The undersigned counsel has not conferred with counsel(s) for the Defendant(s) in a good faith effort to resolve the issues raised in this Motion, as no appearances have been filed for any of the Defendants.

Dated: April 4, 2022

Respectfully submitted by:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed this 4th day of April 2022, with the Clerk of Court using CM/ECF, which will send a notice of electronic filing to all Parties listed on the Service List.

/s/ Peter Ticktin
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