

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

MARIBETH SCHONBERG and STEVEN E.
SCHONBERG,

Plaintiffs,

-vs-

Case No. 5:09-cv-534-Oc-10GRJ

Civil Officer BERNIE SANDERS, Agent of
the U.S. Senator Bernie Sanders Principal
Campaign Committee, a/k/a "Friends of
Bernie Sanders," et al., ,

Defendants.

ORDER

This case is before the Court for consideration of the *pro se* Plaintiffs' Emergency Motion for Recusal and to Withdraw Order (Doc. 7).

The Plaintiffs contend that Bank of America, N.A., in which the undersigned owns common stock, has six political action committees which contribute to the re-election campaigns of several federal legislators, including many if not all of the six legislators who are defendants in this case. According to the Plaintiffs, although Bank of America is not a party, these contributions, coupled with the fact that the Court ruled (Doc. 6) on the Plaintiffs' emergency motions (Docs. 1, 3-4) on the same day they were filed, constitute a conflict of interest and appearance of impropriety requiring recusal. Standing alone, absent an additional claim or showing that the undersigned had either some personal knowledge or personal involvement in these alleged activities, that assertion is too attenuated to

demonstrate a circumstance in which the impartiality of the undersigned “might reasonably be questioned.” 28 U.S.C. § 455(a).

The Plaintiffs’ motion also alleges, however, that the Court’s rulings in their litigation “are likely to have an impact on the share prices of Bank of America.” That claim is not fully explained and seems to be equally strained; but, since it involves an assertion of a financial interest - an automatic disqualifier under § 455(b) - the undersigned will, and does hereby RECUSE himself. The case will be reassigned by the Clerk to another judge of the Court pursuant to the rules. The Plaintiffs’ motion that the Order of December 3, 2009 (Doc. 6) be withdrawn should be called to the attention of the newly assigned judge.

IT IS SO ORDERED.

DONE and ORDERED at Ocala, Florida this 9th day of December, 2009.



UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record