APPENDIX

APPENDIX A (**José Yeyille v. Miami-Dade County Public Schools, *et al.*,** 19-14895 (2020))

APPENDIX B (**José Yeyille v. Miami-Dade County Public Schools, *et al.*,** 14-24624-CIV (2019))

APPENDIX C (**José Yeyille v. Miami-Dade County Public Schools, *et al.*,** 14-24624-CIV (2019)(Paperless Order)

APPENDIX D (**José Yeyille v. Miami-Dade County Public Schools, *et al.*,** 15-15548 (2016), 654 Appx. 394 (11th Cir. 2016))

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 19-14895-F

JOSE YEYILLE,

Plaintiff-Appellant,

versus

MIAMI DADE COUNTY PUBLIC SCHOOLS,
LISA ROBERTSON,
in her individual and official capacity, as Principal of
John A. Fergson Senior High School,
ARMANDINA ACOSTA-LEON,
in her individual and official capacity, as Asst. Principal of
John A. Fergson Senior High School,
ASUNCION VALDES,
in her individual and official capacity, as Payroll and Substitute Teacher locator of
John A. Fergson Senior High School,
EGNA RIVAS,
in her individual and official capacity, as Attendance Office Secretary of
John A. Fergson Senior High School,
ALBERTO CARVALHO,
Superintendent of Miami-Dade County Public Schools,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

ORDER:

Jose Yeyille's motion for leave to proceed on appeal *in forma pauperis* is DENIED because the appeal is frivolous. *See Napier v. Preslicka*, 314 F.3d 528, 531 (11th Cir. 2002).

/s/ Robert J. Luck
UNITED STATES CIRCUIT JUDGE

A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 14-24624-CIV-WILLIAMS

JOSE YEYILLE,

Plaintiff,

vs.

MIAMI DADE COUNTY PUBLIC SCHOOLS, *et al.*,

Defendants.

_____/

ORDER

THIS MATTER is before the Court on Plaintiff Jose Yeyille's motion for leave to proceed *in forma pauperis* in his appeal. (DE 62). An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). An appeal is not in good faith if it seeks review of any issue that is "frivolous when examined under an objective standard." *Ghee v. Retailers Nat'l Bank*, 271 F.App'x 858, 859 (11th Cir. 2008) (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)). An issue is frivolous when it appears the legal theories are "indisputably meritless." *Ghee*, 271 F.App'x at 859-60 (quoting *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993)).

On June 15, 2015, Judge Cecilia M. Altonaga granted Defendants' motion to dismiss Plaintiff's third amended complaint. (DE 42). Thereafter, Plaintiff filed numerous motions, including a motion "demanding the retroactive disqualification and recusal" of Judge Altonaga, which was denied. (DE 51; DE 52). Plaintiff appealed the dismissal of his complaint and the denial of his motion requesting Judge Altonaga's

B

recusal to the United States Court of Appeals for the Eleventh Circuit. (DE 47; DE 53). The Court of Appeals affirmed both rulings. (DE 56; DE 57). On November 27, 2019, Plaintiff again filed a motion requesting the "retroactive disqualification and recusal" of Judge Altonaga and for relief from Judge Altonaga's order dismissing this case. (DE 58). Judge Altonaga recused and the matter was reassigned to this Court. On December 2, 2019, the Court denied Plaintiff's motion in light of Judge Altonaga's recusal and the Court of Appeals' order affirming the order dismissing Plaintiff's third amended complaint.

Plaintiff now seeks leave to appeal *in forma pauperis* this Court's order denying his motion for retroactive recusal and for relief from prior orders. (DE 62). Upon review of the motion and the record, the Court finds that Plaintiff's appeal is indisputably meritless. Accordingly, the Court certifies that Plaintiff's appeal is not taken in good faith as required by 28 U.S.C. § 1915(a)(3), and Plaintiff's motion for leave to proceed *in forma pauperis* (DE 62) is **DENIED**.

DONE AND ORDERED in Chambers in Miami, Florida, this 13th day of December, 2019.

KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE

cc:
Jose Yeyille
5505 SW 135th Court
Miami, FL 33175
786-201-6142

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--Case Participants: Sara M Marken (djuarez@dadeschools.net,
smarken@dadeschools.net, varbos@dadeschools.net), Luis Michael Garcia
(lmgarcia2@dadeschools.net, ncarlota@dadeschools.net), Judge Kathleen M. Williams
(williams@flsd.uscourts.gov)
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Schools et al Order on Motion for Recusal
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U.S. District Court

Southern District of Florida

Notice of Electronic Filing

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Case Name: Yeyille v. Miami Dade County Public Schools et al
Case Number: 1:14-cv-24624-KMW
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WARNING: CASE CLOSED on 06/15/2015
Document Number: 60(No document attached)

Docket Text:
PAPERLESS ORDER denying as moot [58] Motion for Recusal; denying as moot [58] Motion for Reconsideration. In light of Judge Altonaga's recusal [59] and the Court of Appeals for the Eleventh Circuit's mandate [56], Plaintiff's motion is DENIED AS MOOT. Signed by Judge Kathleen M. Williams on 12/2/2019. (sgi)

1:14-cv-24624-KMW Notice has been electronically mailed to:

Luis Michael Garcia lmgarcia2@dadeschools.net, ncarlota@dadeschools.net

Sara M Marken smarken@dadeschools.net, djuarez@dadeschools.net, varbos@dadeschools.net

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Jose Yeyille
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Miami, FL 33175

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 15-15548
Non-Argument Calendar

D.C. Docket No. 1:14-cv-24624-CMA

JOSE YEYILLE,

Plaintiff-Appellant,

versus

MIAMI DADE COUNTY PUBLIC SCHOOLS,
LISA ROBERTSON,
in her individual and official capacity,
as Principal of John A. Ferguson Senior High School,
ARMANDINA ACOSTA-LEON,
in her individual and official capacity,
as Assistant Principal of John A. Ferguson Senior High School,
ASUNCION VALDES,
in her individual and official capacity,
as Payroll and Substitute Teacher Locator of John A. Ferguson Senior High School,
EGNA RIVAS,
in her individual and official capacity,
as Attendance Office Secretary of John A. Ferguson Senior High School, et al.,

Defendants-Appellees.

D

Appeal from the United States District Court
for the Southern District of Florida

(May 31, 2016)

Before WILSON, MARTIN and JILL PRYOR, Circuit Judges.

PER CURIAM:

Jose Yeyille, a lawyer proceeding pro se, appeals the district court's denial of his Federal Rule of Civil Procedure 60(b)(6) motion. After District Judge Altonaga dismissed Yeyille's third amended complaint and while Yeyille's appeal of that dismissal was pending in this Court,[1] Yeyille sought Judge Altonaga's retroactive recusal pursuant to 28 U.S.C. § 455. Yeyille claimed that recusal was warranted because Judge Altonaga had apparent conflicts with respect to his case, which "render[ed] the adversarial legal system[] a farce." Judge Altonaga denied Yeyille's Rule 60(b)(6) motion, and Yeyille appealed. After careful consideration, we affirm.[2]

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[1] We affirmed the district court's dismissal of the suit on February 22, 2016, Yeyille v. Miami Dade Cty. Pub. Sch., No. 15-13053, 2016 WL 692050 (11th Cir. Feb. 22, 2016) (per curiam) (unpublished), and Yeyille's petition for rehearing was denied on April 20, 2016.

[2] On appeal, Yeyille also moved to supplement the record with a school board memorandum and meeting minutes. We may allow a party to supplement the record on appeal if this would "aid [in] making an informed decision." Schwartz v. Millon Air, Inc., 341 F.3d 1220, 1225 n.4 (11th Cir. 2003). Neither of these documents would aid in making our decision. The memorandum is a slightly revised version of one Yeyille included in his Rule 60(b)(6) motion, and none of the revisions are relevant to Yeyille's recusal claim. The meeting minutes show that the law firm of Holland & Knight, LLP was ultimately retained by the school board, but this fact

We review a district judge's decision not to recuse herself for abuse of discretion. United States v. Berger, 375 F.3d 1223, 1227 (11th Cir. 2004) (per curiam). A district judge must recuse herself "in any proceeding in which [her] impartiality might reasonably be questioned." 28 U.S.C. § 455(a). "The test is whether an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge's impartiality." Parker v. Connors Steel Co., 855 F.2d 1510, 1524 (11th Cir. 1988). "A judge should not recuse [her]self based upon unsupported, irrational, or tenuous allegations." Giles v. Garwood, 853 F.2d 876, 878 (11th Cir. 1988) (per curiam).

Yeyille argues that Judge Altonaga should have recused herself for two reasons: (1) Judge Altonaga was a member of the steering committee for a 2014 "Bench and Bar Conference" in Miami, as was opposing counsel in this case (along with forty other people); and (2) Judge Altonaga's husband is a partner at Holland & Knight, which was hired by the defendant school board to work on an unrelated matter several months after Judge Altonaga dismissed Yeyille's case.[3]

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does not aid in considering Yeyille's recusal claim. We deny Yeyille's motion to supplement the record on appeal.

[3] Yeyille appears to make several additional arguments that are not relevant to his recusal motion: First, Yeyille claims that Judge Altonaga erred by refusing to exercise jurisdiction over his motion. Yeyille has this wrong. Judge Altonaga exercised jurisdiction in order to consider his motion and never mentioned lacking jurisdiction over it. Second, Yeyille claims that the Dominican Republic hired Holland & Knight to appeal an order by Judge Altonaga in an

As to the first reason, Yeyille says that Judge Altonaga's "membership in the Steering Committee predisposed [her] to rule in favor of [opposing counsel]," though he does not explain why. As to the second reason, Yeyille implies that Judge Altonaga knew the school board might hire Holland & Knight to work on an unrelated matter in the future, so she dismissed Yeyille's case because it "constituted an obstacle" to that agreement and "in exchange for a retainer contract."

Yeyille makes serious accusations against the judiciary—including branding the judges of the Southern District of Florida "mere agents and hacks." Yet he supports these accusations with no facts. As a member of the bar, he should know better. Regarding the "Bench and Bar Conference," Yeyille identifies nothing beyond shared membership in the forty-two-person steering committee that could suggest Judge Altonaga was biased in favor of opposing counsel. An objective, disinterested, lay observer would not entertain a significant doubt about Judge Altonaga's impartiality based on her mere participation in a large conference in which an attorney who appeared before her also participated. See Parker, 855 F.2d

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unrelated case, making it appear that Judge Altonaga helped her husband's law firm secure the Dominican Republic as a client. This allegation is not related to Yeyille's recusal motion in this case. Finally, Yeyille claims that some relatives of judges in the Southern District of Florida work for Miami law firms, which makes the court "resemble[] a private court run by an oligarchy composed of the local noblesse de robe similar to a French parlement before the Revolution." This allegation is also unrelated to Yeyille's recusal motion.

at 1524. This type of unsupported and tenuous allegation does not warrant recusal. See Giles, 853 F.2d at 878.

The same goes for Yeyille's second ground for recusal—that the school board retained Holland & Knight on an unrelated matter after Judge Altonaga dismissed Yeyille's case. Although Yeyille claims this creates the appearance of a quid pro quo agreement, he presents no relevant facts supporting the existence of such an agreement. To the contrary, the facts show that: (1) Judge Altonaga dismissed Yeyille's case before the school board even began the process of selecting a law firm in the other matter; and (2) the matter for which the school board sought representation was wholly unrelated to Yeyille's case. This was not a sufficient ground for recusal.

The district court did not abuse its discretion by denying Yeyille's recusal motion, because he failed to show that an objective observer would question Judge Altonaga's impartiality. We AFFIRM the district court's denial of Yeyille's motion. Yeyille's motion to supplement the record on appeal is DENIED.

AFFIRMED.