

Case No. _____

IN THE UNITED STATES SUPREME COURT
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

DAVID LOUIS WHITEHEAD,
PETITIONER,

V.

US COURT OF APPEALS FOR SECOND CIRCUIT

CASE NUMBER 20-3913

Dist. Ct. 20-cv-1140

TRAVELER'S INSURANCE COMPANY, GABRIELLE BAILEY,
ET AL

RESPONDENTS,

AFFIDAVIT OF APPENDIX EXHIBITS SUPPORTING PETITION FOR WRIT OF CERTIORARI

I, David Louis Whitehead, petitioner in this matter for Certiorari, testify under perjury that the following statements and documents are true to the best of my abilities:

I am a person over the age of 18 years old.

Exhibit A, is a true copy of the 2nd Circuit Court's Order dated April 4, 2021.

Exhibit A1, is a true copy of the 2nd Circuit Court's Order dated April 16, 2021.

Exhibit A2, is a true copy of the 2nd Circuit Court's Order dated April 30, 2021.

Exhibit A3, is a true copy of the 2nd Circuit Court's Order dated April 3, 2021.

Exhibit B, is a true copy of the District Court's order denying recusal dated Nov. 14, 2020.

Exhibit 1, is a true copy of Order dated May 3, 2017, of District Court Judge Dee D. Drell in *Whitehead v. Parish of Caddo*, 17-00306 W.D. LA. The court denied having Hollywood, lenders and Insurance financial interest.

Exhibit 2, is a true copy of Judge Dee D. Drell's 2018 financial disclosure statement for the filing year 2017, showing Hollywood and lenders and other financial stock interest, contrary to the court's statements in *Whitehead v. Parish of Caddo*, 17 - 306, W.D. LA. The case is related to *Whitehead v. Netflix, et al.*, 17cv225 W.D., LA, before Judge Drell.

Exhibit 3, is a true copy of Attorney Daniel J. Henry's letter dated February 24, 2004, to House Judiciary Chairman F. James Sensenbrenner, Jr., on Judge Paul L. Friedman alleged misconduct and public corruption regarding petitioner's 11 cases filed against clients of White & Case LLP and Wallpark Investors.

Exhibit 4, is a true copy of public corruption chart listing relating to petitioner's cases. 18 U.S.C. Section 1962 C.

Exhibits 5, 5 b, and 5 C, are true copies of correspondence from Criminal Chief Mary Mudrick, and FBI New Orleans Fraud Chief.

Exhibit 6, is a true copy of internet data on Richard G. Stewart, Attorney for Hollywood Verizon Fios. Attorney Stewart is brother of 5th Circuit Judge Carl Stewart. Judge Stewart should not have participated on petitioner's cases due to his relative ties to Hollywood.

Exhibit 7, is a true copy of Attorney Beth Walker report letter dated October 25, 2001, to the Congress of the United States, relating to petitioner's cases before Judge Paul L. Friedman.

Exhibit 8, is a true copy of White & Case LLP representation for the Motion Picture studios. White & Case and Wallpark LLC investors are partners with Judge Paul L. Friedman from 1993-2011. Judge Friedman should not have participated on petitioner's cases as a General Partner with White & Case LLP and associates.

Exhibit 9, is a true copy of Wikipedia biography on White & Case LLP Attorney George J. Terwilliger III. Attorney Terwilliger represented Texas Governor George W. Bush, along with Attorneys Brett Kavanaugh and Amy Coney Barrett and others. Attorney Terwilliger is associated with Judge Friedman and Wallpark LLC.

Exhibit 10, is a true copy of statement of Judge Friedman in re: Whitehead v. Columbia Pictures Industries, et al., 98cv2938 (USDC District Court). Judge Friedman agrees with the plaintiff in his statement on recusal, but at page 2 of the statement files false statements on his Paramount Communication stock cited in 1994 in his Senate Confirmation sworn testimony, and his association with Sony's Columbia Pictures. Noting that Sony is the parent of Columbia Pictures and White & Case LLP represents SONY, Columbia Pictures and other Hollywood studios. In addition, the page numbers of Judge Friedman's statement at top and bottom do

not collate. It appears that pages are missing 4, 5. The page sequence goes 2 of 3 and 3 of 3 at the top, but page 3 list page 6 at the bottom of the page.

Exhibit 11, is a true copy of White & Case LLP's partner Lorenzo Attolico, a representative for Columbia Pictures and Sony.

Exhibit 12, is a true copy of excerpt pages relating to Attorney Paul L. Friedman's 1994 Senate Judiciary Testimony regarding his judicial nomination. At page 1186, Attorney Friedman testifies that he would continue to be a General Partner with White & Case Partners and associates and spouses in Wallpark LLC investors. At page 1195, Attorney Friedman submitted his 1994 Paramount Communication financial interest, however, his statement filed in the plaintiff's case states that he sold his Paramount Communication stock in 1993. Moreover, he omitted the sale of his Walt Disney stocks. Also see pages 1202, 1203, 1204, 1205, 1206, 1207, 2015, 1224, and 1225.

Exhibit 13, A & B are true copies of Security and Exchange Records of White & Case LLP and Wallpark LLC Investors application filed October 5, 2000. The Enterprise is located in White & Case and Wallpark LLC offices in New York. Judge Friedman was a partner with White & Case LLP and Wallpark LLC Investors violating the law.


Exhibit B, is a true copy of Judge Friedman's 2000 financial disclosure for the filing year 1999, showing his association with White & Case and Wallpark LLC Investors. Moreover, Circuit Judge Judith Rogers gave Judge Friedman \$250 gift and presided on petitioner's appeals associated with Judge Friedman. Judge Rogers sanctioned petitioner protecting Judge Friedman and Eleanor Holmes Norton.

Judge Friedman was also a General Partner with White & Case associates in the filing year 2000. Reserve the right to produce Judge Friedman's 2001 financial statement for the filing year 2000.

Exhibits 14, 15, and 16 are true copy of Judicial Orders in petitioners cases before Judge Garland, Kavanaugh and Douglas Ginsburg. These decisions involved Judge Friedman.

Exhibit 17, is true copy of Judge Merritt Garland's 2010 financial disclosure statement showing his position as President of Board of Overseers of Harvard University. This matter is associated with Harvard University, requiring the Connecticut District Court Judge to recuse himself due to the appearance of bias or actual bias due to his association with Harvard University.

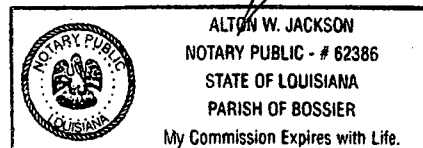
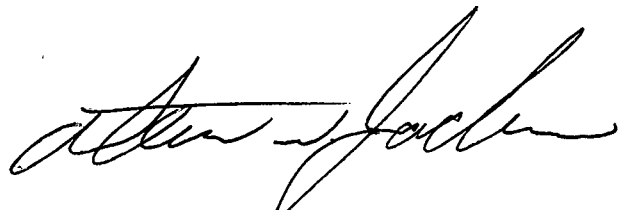
In conclusion, petitioner has provided the court with a complete summary of the conflicts tied to Harvard University and the District Court Judge and grounds for Judge Garland to be enjoined as Attorney General.



David Louis Whitehead

July 1, 2021

Notary



EX A

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of April, two thousand twenty-one.

David Louis Whitehead,

Plaintiff - Appellant,

v.

Traveler's Insurance Company, Gabrielle Bailey, John
Does, 1-10,

Defendants - Appellees.

ORDER

Docket No: 20-3913

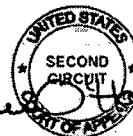
Appellant, David Louis Whitehead, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request as a motion for reconsideration, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the motion and petition are denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk


Catherine O'Hagan Wolfe



MANDATE

EX A 1

D. Conn.
20-cv-1140
Bolden, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of March, two thousand twenty-one.

Present:

Barrington D. Parker,
Gerard E. Lynch,
Joseph F. Bianco,
Circuit Judges.

David Louis Whitehead,

Plaintiff-Appellant,

v.

20-3913

Traveler's Insurance Company, et al.,

Defendants-Appellees.

Appellant, pro se, moves to "reinstate his pleadings denied by the district court," for "conversion of notice of interlocutory appeal to writ of mandamus," "unseal FBI probe," and to "enjoin Judge Merrick Garland's nomination." This Court has determined sua sponte that it lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. *See Petrello v. White*, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that the motion for "conversion of the notice of interlocutory appeal to writ of mandamus" is DENIED because conversion would be futile, as Appellant has not demonstrated that his right to relief is "clear and indisputable." *See In re Int'l Bus. Machs. Corp.*, 618 F.2d 923, 926-27 (2d Cir. 1980). Accordingly, it is hereby ORDERED that the appeal is DISMISSED, and it is further ORDERED that Appellant's remaining motions are DENIED as moot.

A True Copy


Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe


Catherine O'Hagan Wolfe

MANDATE ISSUED ON 04/16/2021

MANDATE

EX A2

D. Conn.
20-cv-1140
Bolden, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

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A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe

MANDATE ISSUED ON 04/16/2021

EX A3

D. Conn.
20-cv-1140
Bolden, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of March, two thousand twenty-one.

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Plaintiff-Appellant,

v.

20-3913

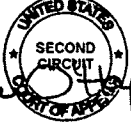
Traveler's Insurance Company, et al.,

Defendants-Appellees.

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FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

EX B

DAVID LOUIS WHITEHEAD,
Plaintiffs,

No. 3:20-cv-01140 (VAB)

v.

TRAVELER'S INSURANCE COMPANY, *et*
al.,
Defendants.

RULING ON MOTION TO RECUSE

David Louis Whitehead ("Plaintiff") has filed a lawsuit against Traveler's Insurance Company, Inc, Gabrielle Bailey, et al, John Does 1-5 (collectively, "Defendants"). Compl., ECF No. 1 (Aug. 2, 2020); Am. Compl., ECF No. 2 (Aug. 2, 2020). On November 2, 2020, Mr. Whitehead moved for the recusal of this Court for alleged bias. Mot. to Recuse Judge, ECF No. 16 (Nov. 2, 2020). On the same day, he filed an amended motion to recuse. Am. Mot. to Recuse Judge, ECF 17 (Nov. 2, 2020) ("Am. Mot.").

For the following reasons, Mr. Whitehead's amended motion to recuse is **DENIED**.

I. BACKGROUND

Mr. Whitehead's Complaint stems from an incident that he alleges took place on or about February 22, 2016, "at a computer terminal in [a] Library in [Shreveport, Louisiana]." Am. Compl. ¶ 4. Mr. Whitehead alleges that upon "leaving the computer terminal he . . . walked into [an] object causing injury to his head and neck." *Id.* This lawsuit was filed in response to the alleged actions of individuals in the library and the events following his departure from the library. *Id.* ¶¶ 4 – 12. Mr. Whitehead has brought nine claims against the Defendants: (1) personal injury, (2) negligence, (3) violations of privacy; (4) intentional infliction of emotional

distress, (5) obstruction of justice, (6) retaliation, (7) civil rights violations, (8) fraud, and (9) conspiracy. *Id.* at 1, 3–5.

Mr. Whitehead has now moved for recusal. He alleges that “Harvard University is [allegedly] associated with [a] Federal Investigation due to Judge[] Merr[ick] Garland and [Justice] . . . Kavanaugh.” Am. Mot. at 6. Mr. Whitehead believes that “[b]oth Judges were associated with Harvard University [and] rul[ed] adversely against the [him]” in another case. *Id.* Mr. Whitehead alleges that because the judge in the instant case is a Harvard Law School graduate “[t]he issue of judicial bias in the present case.” *Id.* at 4.

II. STANDARD OF REVIEW

Parties may move for judicial recusal on account of “a personal bias or prejudice either against [the party] or in favor of any adverse party” 28 U.S.C. § 144; *see also* 28 U.S.C. §455(a)(1) (requiring judges to disqualify themselves where they have “a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding”). Such a motion “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.” 28 U.S.C. § 144.

“[W]hat matters under § 455(a) is not the reality of bias or prejudice but its appearance.” *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000) (internal quotation marks omitted) (citing *Liteky v. United States*, 510 U.S. 540, 548(1994)). “[The] inquiry is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.” *Id.* (citations omitted).

“Discretion is confided in the district judge in the first instance to determine whether to disqualify himself.” *In re Drexel Burnham Lambert, Inc.*, 861 F.2d 1307, 1312 (1988) (citing

Apple v. Jewish Hospital & Medical Center, 829 F.2d 326, 333 (2d Cir. 1987). “The judge presiding over a case is in the best position to appreciate the implication of those matters alleged in a recusal motion.” *Id.* “Litigants are entitled to an unbiased judge; not to a judge of their choosing.” *Id.*

Indeed, “[a] judge is as much obliged not to recuse himself when it is not called for as he is obliged to when it is.” *Id.* (citation omitted). And “where an interest is not direct, but is remote, contingent, or speculative, it is not the kind of interest which reasonably brings into question a judge’s impartiality.” *Id.* (citations omitted).

III. DISCUSSION

Mr. Whitehead argues for recusal because the judge assigned to this case attended Harvard Law School, and that there is some connection between Harvard University and his lawsuit. *See* Am. Mot. at 6 (Because “the [C]ourt is a Harvard University law [g]raduate[,][j]udicial bias is present.”).

The Court disagrees.

Mr. Whitehead’s vague filing lacks any specificity as to how Harvard University relates to this underlying lawsuit. Indeed, Harvard University is not identified as a defendant in this lawsuit, nor are Judge Garland and Justice Kavanaugh. *See* Am. Compl. at 1. (listing “Traveler’s Insurance Company Inc, Gabrielle Baily, et al.” and “John Does 1 -5” as defendants). As a result, there is no “direct” interest. Mr. Whitehead’s alleged interest can only be viewed as “remote, contingent, or speculative,” and there is no basis for recusal. *See In re Drexel Burnham Lambert, Inc.*, 861 F.2d at 1312 (“A judge is as much obliged not to recuse himself when it is not called for as he is obliged to when it is.”).

Accordingly, Mr. Whitehead’s motion to recuse will be denied.

IV. CONCLUSION

For the reasons set forth above, the motion to recuse is **DENIED**.

SO ORDERED at Bridgeport, Connecticut, this 14th day of November, 2020.

/s/ Victor A. Bolden
VICTOR A. BOLDEN
UNITED STATES DISTRICT JUDGE

20-3913

Traveler's Insurance Company
15 Weston Street
Hartford, CT 06120

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U.S. COURT OF APPEALS

**Additional material
from this filing is
available in the
Clerk's Office.**