

No. _____

In The
Supreme Court of the United States

-----◆-----
ANGELA W. DEBOSE,

Petitioner,

v.

UNITED STATES OF AMERICA, ET AL.,

Respondent.

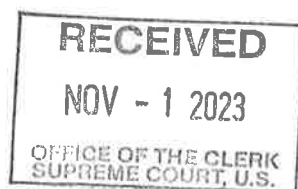
-----◆-----
**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR A
WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT**

-----◆-----
**To the Honorable Justice Clarence Thomas, Associate Justice of the United
States Supreme Court and Circuit Justice for the Eleventh Circuit:**

Petitioner Angela DeBose requests an extension of time to file her Petition for a Writ of Certiorari. Petitioner requests a forty-five day extension of time from November 11, 2023 to January 8, 2023.¹ The order of the Eleventh Circuit which is being appealed was entered September 22, 2023 and is enclosed. Jurisdiction of this Court to review the order and judgment of the Eleventh Circuit is being invoked pursuant to 28 U.S.C. § 1254(1).

The Petition for a Writ of Certiorari intends to address that while the reviewability of a judicial disqualification decision must be analyzed in terms of the underlying

¹ Pursuant to Supreme Court Rule 30.1, four days were added to this calculation to account for federal legal holidays in November, December, and January, on which the Court building is closed.



basis for the judicial disqualification motion, the statutory grounds for judicial disqualification are made of no effect when analyzed based on the suitability of mandamus, the collateral order doctrine, and certification under 28 U.S.C. § 1292(b) as devices to gain immediate appellate review, if the judge's affirmative duty to recuse himself was triggered but not a factor or appropriately weighed in the decision.

Petitioner seeks an extension of time to file her Writ of Certiorari because financial difficulties have precluded her from securing counsel, (attached). Petitioner seeks the extension so that she has sufficient time to fully evaluate the merits of this matter and to file her Petition for a Writ of Certiorari.

Respectfully submitted,

/s/ Angela W. DeBose



Angela W. DeBose
1107 W. Kirby Street
Tampa, FL 33604
Telephone: (813) 230-3023
E-Mail: awdebose@aol.com
Petitioner


October 30, 2023

Certificate of Service

I hereby certify that a copy of the foregoing has been filed via Certified Mail delivery service to the Clerk of the Supreme Court, for filing via the Supreme Court's electronic filing system. A copy of the foregoing has been served via certified mail delivery to:

UNITED STATES MIDDLE DISTRICT COURT OF FLORIDA, TAMPA DIVISION,
C/O STEVEN D. MERRYDAY
Chambers 1530
Sam M. Gibbons United
States Courthouse
801 North Florida Avenue
Tampa, Florida 33602

Notice to all counsels/parties of record.


/s/ Angela W. DeBose
Angela W. DeBose

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-10961

In re: ANGELA W. DEBOSE,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Middle District of Florida
D.C. Docket No. 8:21-cv-02127-SDM-AAS

Before LUCK AND ABUDU, Circuit Judges.

BY THE COURT:

Angela DeBose, proceeding *pro se*, petitions this Court for a writ of mandamus and/or prohibition, arising out of a post-judgment motion seeking to disqualify a judge that she filed in the U.S. District Court for the Middle District of Florida. In her mandamus petition, DeBose alleges various disqualifying events and actions by the presiding judge in her civil case, the final judgment of which is currently on appeal. She requests an order of mandamus or prohibition either (1) granting her petition and directing the judge to recuse himself or, alternatively, (2) vacating the order denying her disqualification motion and ordering expedited discovery on the motion so it can be considered on an adequately developed evidentiary record. DeBose also seeks judicial notice of two affidavits she filed in the district court after her disqualification motion was denied.

Writs of prohibition and mandamus, both authorized under 28 U.S.C. § 1651, are “two sides of the same coin with interchangeable standards.” *United States v. Pleau*, 680 F.3d 1, 4, (1st Cir. 2012) (*en banc*) (persuasive authority). They are available only in drastic situations when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion. *United States v. Shalhoub*, 855 F.3d 1255, 1259 (11th Cir. 2017); *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation marks omitted). The petitioner has the burden of showing that she has no other avenue of relief and that her right to relief is clear and indisputable. *See Mallard v. U.S. Dist. Court*, 490 U.S. 296, 309 (1989); *see also In re Wainwright*, 678 F.2d 951, 953 (11th Cir. 1982) (applying the same standard to writs of prohibition.). These writs may not

23-10961

Order of the Court

3

be used as a substitute for appeal or to control decisions of the district court in discretionary matters. *Jackson*, 130 F.3d at 1004; *In re Wainwright*, 678 F.2d at 953. When an alternative remedy exists, even if it is unlikely to provide relief, mandamus relief is not proper. See *Lifestar Ambulance Serv., Inc. v. United States*, 365 F.3d 1293, 1298 (11th Cir. 2004).

Under § 455(a), a judge must “disqualify himself in any proceeding in which his impartiality might reasonably be questioned” or in any circumstances “[w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.” 28 U.S.C. § 455(a), (b)(1). Similarly, under § 144, a judge must recuse himself if a party to the proceeding makes a timely and sufficient showing by affidavit that the judge “has a personal bias or prejudice” against him. 28 U.S.C. § 144. Disqualification is only required when the alleged bias is personal in nature; that is, the bias stems from an extra-judicial source. *Loranger v. Stierheim*, 10 F.3d 776, 780 (11th Cir. 1994). Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. *Liteky v. United States*, 510 U.S. 540, 555 (1994). Likewise, “opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Id.* We have held that “a judge, having been assigned to a case, should not recuse himself on unsupported, irrational, or highly tenuous

speculation.” *In re Moody*, 755 F.3d 891, 895 (11th Cir. 2014) (quoting *United States v. Greenough*, 782 F.2d 1556, 1558 (11th Cir. 1986)).

An appeal from a final judgment brings up for review all preceding non-final orders that produced the judgment. *Mickles on behalf of herself v. Country Club, Inc.*, 887 F.3d 1270, 1278-79 (11th Cir. 2018); *Barfield v. Brierton*, 883 F.2d 923, 930-31 (11th Cir. 1989). Post-judgment proceedings are final and subject to appeal once the district court has disposed of all the issues raised in the motion that initiated those post-judgment proceedings. *Mayer v. Wall St. Equity Grp., Inc.*, 672 F.3d 1222, 1224 (11th Cir. 2012).

A district court’s pre-judgment ruling on recusal or disqualification is reviewable upon appeal after issuance of a final judgment. *In re Corrugated Container Antitrust Litig.*, 614 F.2d 958, 960-62 (5th Cir. 1980). Accordingly, such a ruling is not reviewable on appeal until the litigation is final, though a writ of mandamus may be issued to correct such a decision in “exceptional circumstances amounting to a judicial usurpation of power.” *Id.* at 960-62 & n.4 (quotation marks omitted); *see id.* at 961-62 (declining to grant mandamus relief relating to a district court judge’s refusal to recuse himself where full review of the issue was available on appeal); *see also In re Moody*, 755 F.3d at 897 (explaining that review of district court judge’s refusal to recuse under mandamus authority was “even more stringent” than the ordinary abuse-of-discretion standard applicable to review on appeal of recusal issue, because the drastic remedy of mandamus was available only in exceptional circumstances). Where a judge’s duty to recuse himself is debatable

23-10961

Order of the Court

5

or non-existent, a writ of mandamus will not issue to compel recusal. *Corrugated Container*, 614 F.2d at 962.

DeBose's judicial-notice motion, which we construe as a request for this Court to consider the two affidavits she filed in the district court in determining whether she is entitled to mandamus or prohibition relief, is **GRANTED**.

Nevertheless, DeBose is not entitled to mandamus or prohibition relief because she had the adequate alternative remedy of appealing the district court's order denying her post-judgment motion for disqualification. Furthermore, to the extent she alleges the district court judge should have recused himself before entering the final judgment in the case, she had the adequate alternative remedy of raising this issue in her appeal from the judgment. Further, she has not shown any exceptional circumstances to warrant a recusal challenge through mandamus, especially now that judgment has been entered. Finally, she has not shown that her right to relief is clear and undisputable.

Accordingly, DeBose's petition for a writ of mandamus and/or prohibition is **DENIED**.

HUNKER APPEALS

110 Southeast 6th Street, Suite 2330, Ft. Lauderdale, FL 33301
Office 877.841.8808 Fax 954.477.7313 www.hunkerappeals.com

12/23/2022

Sent via E-mail

Angela DeBose

awdebose@aol.com

+1 (813) 932-6959

RE: *Consultation with Hunker Appeals*

Ms. DeBose

You recently contacted Hunker Appeals and requested that we evaluate whether the firm will represent you on Case No. 8:21-CV-02127-SDM-AAS in the Middle District of Florida and Case No. 22-13380 in the Eleventh Court Appeal. We appreciate the confidence you have expressed in our firm, however, **you have decided not to retain our services in this matter.**

You should be aware that the passage of time may bar you from pursuing the claim(s), if any, you may have. Time is always important and could be critically short in your case, so I recommend that you immediately contact another firm. If your case is not timely filed, you may be barred forever from pursuing your claim(s).

We are not charging you for the review of your case. While this concludes our representation of you regarding this legal matter, please don't hesitate to reach out in the future should you have any further legal needs and wish to discuss retaining our services again.

We hope the decision made does not prevent future collaborations. If you have any questions or need further clarification on this matter, please contact us.

Sincerely,

Ashley Paxton
Managing Partner
Hunker Appeals