

No. 24-168

**In The  
Supreme Court of the United States**

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**DR. USHA JAIN AND MANOHAR JAIN**  
Petitioners,

vs

**Donald Myers, Heather Higbee, John Kest, Kevin  
Weiss, Renee Roche, Mr. Wert and Mya Hatchette**

Respondents.

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**On Petition for Writ of Certiorari to Review  
Affirming Endorsed Order by the 11<sup>th</sup> Circuit Court  
of Appeals 21-11719 (20-11908)**

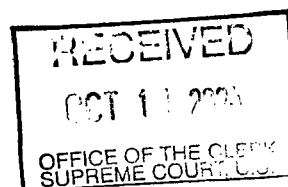
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**SUPPLEMENT TO WRIT OF CERTIORARI  
WITH NEW EVIDENCE OF FORMAL  
CHARGES FILED BY JQA AGAINST JUDGE  
ASHTON**

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October 4, 2024





**SUPPLEMENT OF NEW EVIDENCE OF  
FORMAL CHARGES AGAINST JUDGE  
JEFFREY ASHTON**

Petitioners Dr. Usha Jain and Manohar Jain pursuant to Supreme Court Rule 15.8 file this supplement of recent development of formal charges being filed by the Judicial Qualifications Commission (JQC) against State Court Judge Ashton.. This is a significant new development that supports the arguments in the Petitioners' writ of certiorari regarding lack of jurisdiction because the endorsed order is not a valid remand order to transfer the jurisdiction from Federal Court to the State Court in the federal removal filed under 28 USC 1443 The state court judgement by Judge Ashton without a certified remand order is void.

**New Recent Development of Formal Charges  
against Judge Ashton**

On October 2, 2024 JQC filed the formal charges against Judge Ashton citing several cases including Petitioner Jains' case, Jain v. Barker (Orange County Case No. 2016-CA-7260) in September 2023. Judge Ashton has been charged with misconduct, bias and other charges by this statement of JQC

"Your repeated unwillingness or inability to govern your behavior raises questions about your fitness for judicial office, and the foregoing behavior constitutes inappropriate conduct that violates Canons 1, 2, 3B(4), 3B(5), 3B(7) and 3E(1) of the Code of Judicial Conduct"

Please see the exhibit of Appendix of five pages of formal charges attached herewith.

**Relevance to Petitioner Jains' case**

These formal charges include allegations of

intemperate behavior, bias, and a failure to uphold the dignity required of judicial officers. These charges are highly pertinent to the issues of jurisdiction currently before this Court, as they underscore concerns about judicial overreach, lack of proper jurisdiction in the state court, the overall fairness of the proceedings, and the state court judgment.

These charges reflect a pattern of behavior that directly impacts Petitioners' case. Given the allegations against Judge Ashton, the fairness and impartiality of the proceedings are in question, and this raises substantial doubts about the legitimacy of the state court's exercise of jurisdiction.

Petitioners believe that the formal charges against Judge Ashton substantiate the legal arguments made regarding jurisdictional violations, and that this Court must be made fully aware of the context surrounding these allegations to render a fair decision.

Wherefore Petitioners respectfully request that this Honorable Court consider the formal charges filed against Judge Jeffrey Ashton as a significant factor when granting the writ of certiorari. The formal charges highlight issues of judicial bias, lack of impartiality, and intemperate conduct, which align with Petitioners' concerns about improper jurisdiction and the fairness of the state court proceedings.

Respectfully submitted on October 4, 2024.

*Whe Tammy* *November 12, 2024*

## **Appendix**

### **JQC formal charges against Judge Ashton**

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BEFORE THE FLORIDA  
JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE

JQC NO. 2023-539-  
2023-72 1;2023-741  
2023-745; 2024-552

HON. JEFFREY ASHTON  
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**NOTICE OF FORMAL CHARGES**

TO: Hon. Jeffrey Ashton  
Orange County Courthouse  
425 N. Orange Avenue  
Orlando, Florida 32801

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meetings on March 21, 2024, and on September 19, 2024, by a vote of the majority of its members, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission and Article V, Section 12(b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

1. While presiding over cases, trials, hearings, and other proceedings, you have behaved intemperately, including shouting at people

appearing before you, and otherwise lacking the patience, dignity, and courtesy required by the Code of Judicial Conduct. It is also alleged that your conduct in certain instances evinced bias for or against parties or attorneys appearing before you. Examples of this misconduct include:

- a. While presiding over the case of Randy Casey v. Hernando Lancheros, et al. (2017-CA-0586), among other instances of inappropriate comments and behavior, you shouted at Plaintiff's attorney, and later accused him of "provoking" your "angry face" Some of these inappropriate exchanges occurred in the presence of the jury. Although the white-noise device may have prevented those in the courtroom from hearing exactly what you said at sidebar conferences, observers were able to hear your raised voice and see that your facial expression and overall demeanor evinced a bias against one party or their attorney.
- b. In the case of Alisha Oliver v. Holly Swarthout (Orange County Case No. 2021-CA-2065), you behaved intemperately towards people appearing before you. It is also alleged that your raised voice could be heard again over the white-noise machine, and that your facial expression and overall demeanor evinced a bias against one party or their attorney.

c. While presiding over the matter of Megan Regan v. Hernando Lancheros, et al. (Orange County Case No. 2017-CA-8661) you behaved intemperately towards people appearing before you. You also threatened the plaintiff's attorney with direct criminal contempt.

d. While presiding over the case of Jain v. Baker (Orange County Case No. 2016-CA-7260) in September 2023 you consistently and repeatedly treated the Plaintiff's attorney in a manner that was not patient, dignified or courteous.

2. In the matter of Holt v. Nelson, Case No. 6D24-966 (2020-CA-005088-O 9" Circuit) a party filed a Motion to Disqualify you, alleging bias against the party's law firm, "signaling" by you to the opposing party, and intemperate behavior.

a. You denied this Motion to Disqualify, stating that it was moot because you were moving to a different division within the 9" Circuit and would soon no longer be handling the case. In your Order, you also passed on the truth of the allegations, disputing the factual allegations.

b. The movant subsequently filed a Petition for Writ of Prohibition with the 6" District Court of Appeal, which was granted. In its opinion, the appellate court reversed your ruling on the Motion to Disqualify, stating



that it was not moot, but furthermore stated that your commentary passing on the facts alleged mandated disqualification. Passing on the facts alleged in a Motion to Disqualify is prohibited by Fla. Rule of Gen. Prac. & Jud. Admin.2.330(h).


3. In JQC Case No. 2019-648 the Commission cautioned you against allowing yourself to be provoked into intemperate behavior by what you perceive as unprofessional conduct by attorneys or parties. In that case you were recorded shouting down an attorney who appeared before you in the matter of Willey v. Stillman, (2010-DR-8250). This matter is hereby reopened and realleged as part of a pattern of misconduct

Your repeated unwillingness or inability to govern your behavior raises questions about your fitness for judicial office, and the foregoing behavior constitutes inappropriate conduct that violates Canons 1, 2, 3B(4), 3B(5), 3B(7) and 3E(1) of the Code of Judicial Conduct

You are hereby notified of your right to file a written answer to these charges within twenty (20) days of service of this notice upon you. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements. Copies of your response should be served in the undersigned Counsel for the Judicial Qualifications Commission

DATED this 2<sup>nd</sup> day of October 2024.

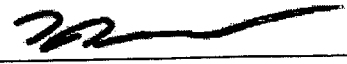
THE FLORIDA JUDICIAL  
QUALIFICATIONS COMMISSION

By   
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Charges has been furnished by electronic service to the following parties, on this 2<sup>nd</sup> day of October 2024

Hon. Jeffrey Ashton  
Orange County Courthouse  
425 N. Orange Avenue  
Orlando, Florida 32801

  
Hugh R. Brown  
Assistant General Counsel