

No. 24-308

IN THE
Supreme Court of the United States

VISHRUT AMIN ET AL, Petitioner,

v.

CARLA R PEPPERMAN, ET AL., Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the
Eleventh Circuit

MOTION TO RECUSE

VISHRUT AMIN

Pro Se

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
FACTUAL BACKGROUND	1
ARGUMENT	
I. CLOSE ASSOCIATION WITH JUDGE KKM AND 11 TH CIRCUIT BOTH REQUIRES JUSTICE THOMAS TO RECUSE HIMSELF FROM CONSIDERATION OF THE PRESENT CASE.	2
II. JUSTICE THOMAS IS REQUIRED BY STATUTE TO RECUSE HIMSELF IN THIS MATTER.	3
CONCLUSION	5

TABLE OF AUTHORITIES

CASES:

Liteky v. United States, 510 U.S. 540, 548 (1994)	4
Potashnick v. Port City Const. Co., 609 F.2d 1101, 1111 (5th Cir. 1980)	4
Durhan v. Neopolitan, 875 F.2d 91, 97 (7th Cir. 1989)	5

CONSTITUTIONAL PROVISIONS:

U.S. CONST. AMEND XIV.	2, 3
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STATUTES

28 U.S.C. § 455(a)	2, 3, 4
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Petitioner, Vishrut Amin and Jigarbhai N Amin respectfully moves for the recusal of Justice Clarence Thomas from this matter pursuant to Supreme Court Rule 21. This recusal is compelled since Justice Thomas's "impartiality might reasonably be questioned" under the provision of 28 U.S.C. § 455 given his close association with Judge Kathryn Kimball Mizelle (KKM) of Middle District of Florida, a former clerk of Justice Thomas and now district judge and against her unconstitutional and abusive judgment and criminal conduct this certiorari is filed.

Justice Thomas is also assigned to 11th circuit court of appeal and under Supreme Court Rule 22, an application requires to be addressed to the justice allotted to the circuit from which the case arises which in this case is 11th circuit whose judgment is requested to be reviewed by this certiorari.

FACTUAL BACKGROUND

Petition for a Writ of Certiorari to the 11th circuit court of Appeal filed by the VISHRUT AMIN & JIGARBHAI N AMIN (Amins) challenging that appeal Court's decision of July 10, 2024 is pending in the Court.

Amins filed a case against county judge Carla R Pepperman (Pepperman) in District court of Middle district of Florida seeking injunctive relief against her unconstitutional practice of enforcing remote hearing against the will of petitioners and relief under 42 USC 1983 and 18 USC 1983. Judge KKM, acting as inquisitorial judge and with utter disregards of constitution and law of lands

dismiss the case on flimsy ground of “shotgun pleading” that to without affording due process of law to petitioners which is guaranteed under 14th amendment of Constitution. She also committed a criminal act of removing document from active docket of court. Her act qualifies as criminal act under the provision of 18 USC § 2071. Appeal filed clearly bring out this fact of criminal conduct and requested 11th circuit to bring this matter to chief justice of 11th circuit but willingly failed to do so making them party to this act. Now the onus of taking action is clearly rest on shoulders of Justice Clarence Thomas if willingly chooses to do so.

11th Circuit Denied the appeal filed without expressing any opinion on any of issues raised in appeal nor offered any justification in support of unconstitutional acts of either of judges i.e. Respondent Pepperman and KKM. 11th Circuit court in doing so abuse its judicial authority firstly by not addressing the constitutional question(s) raised on enforcement of non consented remote hearing by court on petitioners and secondly abuse of judicial process by using unconstitutional doctrine of “SHOTGUN PLEADING” exclusively used by 11th circuit court only.

Close association of Justice Thomas with Judge KKM and 11th Circuit whose decision(s) are requested to be reviewed by Petitioners requires that justice Thomas be recuse himself from the case due to existence of conflict of interest.

ARGUMENT I. CLOSE ASSOCIATION WITH JUDGE KKM AND 11TH CIRCUIT BOTH REQUIRES JUSTICE THOMAS TO RECUSE HIMSELF FROM CONSIDERATION OF THE PRESENT CASE.

28 U.S. Code § 455(a) states that Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

Considering the criminal act committed by Judge KKM of removing documents from docket (18 U.S. Code § 2071),, acting as inquisitorial judge and dismissing the case without affording due process to litigants (violation of 14th Amendments of US Constitution) and through use of unconstitutional doctrine of “Shotgun Pleading” which is contradicting the pleading standard laid down by Supreme Court in case of Iqbal And Twombly, Justice Thomas who has close working relationship with Judge KKM and has taken pride in training and mentoring her should recused himself from this case due to conflict of interest.

Similarly, working relationship and assignment to 11th circuit court of appeal also require him to recuse from this case under the provision of Supreme Court Rule 22.

II. JUSTICE THOMAS IS REQUIRED BY STATUTE TO RECUSE HIMSELF IN THIS MATTER.

The Judicial Code which governs the conduct of federal judges and justices is quite clear: Any justice, judge or magistrate of the United States shall disqualify himself [or herself] in any proceeding in which his [or her] impartiality might reasonably be questioned. 28 U.S.C. § 455 (a). Not unlike the analysis involved in the Due Process question, *supra*, this section of the Judicial Code: focuses on the appearance of impartiality, as opposed to the existence in fact of any bias or prejudice, a judge faced with a potential ground for disqualification ought to

consider how his participation in a given case looks to the average person on the street. Use of the word “might” in the statute was intended to indicate that disqualification should follow if the reasonable man were he to know all the circumstances, would harbor doubts about the judge's impartiality. *Potashnick v. Port City Const. Co.*, 609 F.2d 1101, 1111 (5th Cir. 1980). Likewise, as Justice Scalia wrote in *Liteky v. United States*, 510 U.S. 540, 548 (1994), recusal questions posed under § 455 are “to be evaluated on an objective basis, so that what matters is not the reality of bias or prejudice but its appearance. Quite simply and quite universally, recusal was required whenever ‘impartiality might reasonably be questioned.’” In the present case, terms like “average person on the street,” or “reasonable man (or woman),” or “impartiality might reasonably be questioned,” are all implicated in the present motion. As noted above, public polling, editorials, news columns, and close association with trump appointee (KKM) can do nothing other than raise the quite “reasonabl[e] question[s]” as to the “impartiality” of someone in Justice Thomas’s shoes when considering cases as essential as the one at issue here. It is clear that the present motion comes at an inopportune time for Justice Thomas. But this motion must be made now and acted upon favorably. Aside from the merits of the underlying petition seeking certiorari, there are raw procedural considerations instantly. Any action on these which includes Justice Thomas’s participation could be catastrophic to the delicate foundation of integrity and public confidence upon which the judiciary sits. “Once a judge whose impartiality toward a particular case may reasonably be questioned presides over that case, the damage

to the integrity of the system is done.” Durhan v. Neopolitan, 875 F.2d 91, 97 (7th Cir. 1989). That must not be allowed to happen in this case. The impact would be something from which the Court would not soon recover.

CONCLUSION

For the foregoing reasons, Justice Thomas should be recused from this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vishrut Amin", written over a horizontal line.

VISHRUT AMIN

Pro Se

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09/29/2024

DECLARATION OF VISHRUT AMIN PURSUANT TO
28 U. S. C. § 1746.

PROOF OF SERVICE

I, VISHRUT AMIN, do swear or declare that on this date, September 29, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION TO RECUSE on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

Ivy Pereira Rollins
Office of Attorney General
3507 E. Frontage Road, Suite 150
Tampa, FL 33607

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 29, 2024.

Vishrut Amin
(VISHRUT AMIN)

