

CAUSE NO. 93384

JOHN BENJAMIN CLOPTON, JR.

V.

VALINDA R. SCRUGGS, ET AL.

§
§
§
§
§

IN THE DISTRICT COURT
ELLIS COUNTY
443RD JUDICIAL DISTRICT

FILED FOR RECORD
2017 JUN -8 AM 9:44

MELANIE REED
DISTRICT CLERK
ELLIS COUNTY, TX

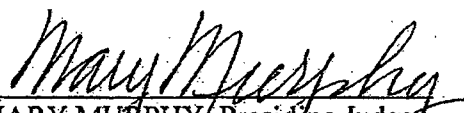
ORDER DENYING MOTION TO RECUSE JUDGE CINDY ERMATINGER

On this date, the undersigned considered the Motion to Recuse Judge Cindy Ermatinger filed by John Benjamin Clopton, Jr. The motion is facially insufficient as a matter of law. Specifically, movant asserts that Judge Ermatinger "harbors a personal bias, prejudice and animus against" him, but he fails to state any facts that would evidence such assertions. The only factual statement movant relies on is that Judge Ermatinger "failed to perform the ministerial act of considering and ruling on the Plaintiff's Motion for Discovery Sanctions." Such alleged ministerial act is a judicial act for which movant has an appellate remedy and the alleged failure to rule on a single motion cannot standing alone serve as a basis for recusal. Finally, although movant requests judicial notice of the file and certain proceedings, no attachments are provided that would allow judicial notice if properly invoked and movant fails to state any facts from the file or any proceedings that would support recusal.

Because the motion is facially insufficient to state a basis for recusal, the motion should be denied without an oral hearing. *See* Tex. R. Civ. P. 18a(g)(3)(A).

IT IS THEREFORE ORDERED that the Motion to Recuse is denied.

Signed this 7 day of June, 2017.


MARY MURPHY, Presiding Judge
First Administrative Judicial Region

APPENDIX B

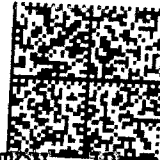


OFFICIAL NOTICE FROM
SUPREME COURT OF TEXAS
Post Office Box 12248
Austin, Texas 78711-2248

RE: Case No. 17-0624

COA #:

STYLE: IN RE JOHN BENJAMIN CLOPTON, JR.



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DATE: 10/13/2017
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02 1W \$ 000.38384
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Today the Supreme Court of Texas denied the petition
for writ of mandamus in the above-referenced case.

MAIL TO:

MR. JOHN BENJAMIN CLOPTON, JR.
810 SOUTH FM 157
PO BOX 368
VENUS, TX 76084

APPENDIX D

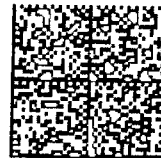


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Austin, Texas 78711-2244
**STATE OF TEXAS
STATE PENALTY
FOR PRIVATE USE**

RE: Case No. 17-0624

COA #:

STYLE: IN RE JOHN BENJAMIN CLOPTON, JR.



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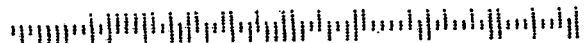


ZIP 78701 \$ 000.34⁰
02 1W DATE: 12/8/2017
0001356452 DEC 11 2017
TC#: 93384

Today the Supreme Court of Texas denied the motion for rehearing in the above-referenced petition for writ of mandamus.

MAIL TO:

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VENUS, TX 76084



APPENDIX F

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