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THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE PEOPLE OF THE UNITED STATES
OF AMERICA,

Plaintiff,

vs.

JETPACKBOY,

Defendant.

Case No.: 4:20-2179

MOTION FOR RECUSAL IN
ACCORDANCE TO 28 U.S.C. 144

**The motion is made in good faith and submitted as
such under the pains and penalties of perjury.**

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GROUND AND ARGUMENT

1. The defense motion for the immediate recusal of Judge “Charles” hereinafter “Judge” in accordance to 28 U.S. Code § 144 and the Judicial Code of Ethics:
2. In 1974, Congress amended the Judicial Code to broaden and clarify the grounds for judicial disqualification. The first sentence of the amendment provides: "[A]ny justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U. S. C. § 455(a), *as amended*.
3. *In re Mason*, 916 F.2d 384, 386 (7th Cir. 1990). Whether an unreasonable person, focusing on only one aspect of the broader situation, might perceive a risk of bias is irrelevant. Per that standard the viewpoint of Your Honor becomes discredited and is no longer a determining factor if you are bias with evidence and should recuse no matter what is the situation.

- 1 4. Furthermore, a reasonable person must be able to appreciate the significance of the
2 facts, relevant legal standards, and judicial practice and can discern whether any
3 "appearance of impropriety is merely an illusion." *See Cheney*, 541 U.S. at 924. The
4 appearance of impropriety is *not* an illusion and is backed up in the motion with
5 addendums. The addendums clearly show the Judge referencing and out of court
6 insult and then further applying it to a case of which the "insulter", Alex J. Cabot, is
7 counsel for the defense.
- 8 5. The "objective" standard in *Liljeberg v. Health Services Acquisition Corp.*, 486 US
9 847 (1988) is applicable here. The "objective" standard is a test to avoid even the
10 appearance of partiality and ensure that the judge's decision is reasonable to an
11 informed observer. It is very clear to any informed observer that the Judge referencing
12 such insults and then using it to take offense in a court case which the statements had
13 no relevance therefore reinforcing the appearance of impropriety.
- 14 6. There is then the "subjective" standard of which allows the judge to assess their bias
15 by speculation and putting themselves in the certain situations. § 455(b) provides just
16 that of which the Judge alleges no bias.
- 17 7. However in the absence of, one or both standards the Judge should recuse in
18 accordance to the United States Code and Judicial Canons of Ethics, this case fits
19 snugly into that category.
- 20 8. In accordance to Canon 2(A) and Canon 2A of the United States Code of Conduct for
21 Federal Judges establishes and reinforces that the Judge must respect the rule of law
22 including that of 18 U.S. Code § 144. He has failed to recuse and therefore upon
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1 official filing should do so without delay. Failure to do so would be a “Constitutional
2 Violation of [the defendants] Due Process rights.” *Williams v. Pennsylvania*, 579 U.S.
3 ____ (2016).

4 **ADDENDUMS**

5 <https://discord.com/channels/346749831923892224/740051459101425795/74245024043866>

6 [5297](#)

7 <https://discord.com/channels/346749831923892224/740051459101425795/74244895425966>

8 [9084](#)

9 <https://discord.com/channels/346749831923892224/346749832414887936/74060593659012>

10 [7105](#)

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13 **DATED:** 10th August, 2020

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THE
CABOT LEGAL CLINIC

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