

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA
and ANGELA D'ANNA, ex rel,

Plaintiffs,

v.

Case No.: 2:14-cv-437-SPC-NPM

LEE MEMORIAL HEALTH
SYSTEM and CAPE MEMORIAL
HOSPITAL, INC.,

Defendants.

ORDER¹

Before the Court is a review of the docket. A judge must disqualify if her “impartiality might reasonably be questioned.” [28 U.S.C. § 455\(a\)](#). She must also disqualify in certain situations listed in [§ 455\(b\)](#). And all doubts are “resolved in favor of recusal.” [Murray v. Scott, 253 F.3d 1308, 1310 \(11th Cir. 2001\)](#). Because the Court’s immediate family member now actively uses a doctor associated with a named Defendant, disqualification may be required. *See* [28 U.S.C. § 455\(b\)](#). To avoid even the appearance of partiality or

¹ Disclaimer: Papers hyperlinked to CM/ECF may be subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or their services or products, nor does it have any agreements with them. The Court is not responsible for a hyperlink’s functionality, and a failed hyperlink does not affect this Order.

impropriety, the Court finds she must recuse herself. See *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 865 (1988).

Accordingly, it is now

ORDERED:

1. The Honorable Sheri Polster Chappell is **RECUSED** from this action.
2. The Clerk is **DIRECTED** to reassign this case to another United States District Judge in the Fort Myers Division.

DONE and **ORDERED** in Fort Myers, Florida on December 6, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record