

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

THOMAS O'NEAL,

Plaintiff,

v.

Case No. 8:20-cv-936-KKM-AAS

**AMERICAN SHAMAN FRANCHISE SYSTEM,
LLC; CBD AMERICAN SHAMAN,
LLC; SHAMAN BOTANICALS, LLC;
SVS ENTERPRISES, LLC; STEPHEN
VINCENT SANDERS II; BRANDON CARNES;
and FRANCIS KALAIWAA,**

Defendants.

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ORDER

Plaintiff Thomas O'Neal moves to disqualify me as the assigned magistrate judge on this case. (Doc. 475). Defendants Shaman Franchise System, LLC (Shaman Franchise), CBD American Shaman, LLC, Shaman Botanicals, LLC, SVS Enterprises, LLC, Stephen Vincent Sanders II, and Francis Kalaiwaa (collectively, the Shaman Defendants) respond in opposition. (Doc. 478).

“Any [] magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). A judge should recuse under § 455(a) when “an objective, disinterested, lay observer fully informed of the facts underlying the grounds

on which recusal was sought would entertain a significant doubt about the judge's impartiality." *United States v. Patti*, 337 F.3d 1317, 1321 (11th Cir. 2003). Mr. O'Neal argues this standard is met by my "repeated antagonism towards Mr. O'Neal and his attorney[.]" (Doc. 475, p. 2).

This motion for disqualification comes after I recommended granting in part the Shaman Defendants' motion for sanctions against Mr. O'Neal's counsel, Attorney Kevin Graham. (See Docs. 424, 472). Along with the report and recommendation on the Shaman Defendants' motion for sanctions, Mr. O'Neal lists other orders throughout this case he believes I decided incorrectly. (Doc. 475, pp. 12–17). Mr. O'Neal insists each ruling should have been favorable to him, which he submits as evidence of my "pervasive bias." (*Id.*). Adverse rulings are not grounds for recusal. See *Postell v. City of Cordele*, No. 22-13636, 2023 WL 4364503, *4 (11th Cir. July 6, 2023) ("These complaints amount to nothing more than disagreements with Judge Gardner's docket administration, timeliness, and judicial rulings and are thus not valid bases for recusal."); *In re Evergreen Sec., Ltd.*, 570 F.3d 1257, 1274 (11th Cir. 2009) ("Challenges to adverse rulings are generally grounds for appeal, not recusal."). Accordingly, Mr. O'Neal's Motion for Disqualification (Doc. 475) is **DENIED**.

ORDERED in Tampa, Florida on January 24, 2025.

Amanda Arnold Sansone

AMANDA ARNOLD SANSONE
United States Magistrate Judge