

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

**LAWRENCE W. KONIECZKO and
LAURIE F. KONIECZKO,**

Plaintiffs,

v.

Case No: 6:23-cv-2109-CEM-EJK

**ORANGE COUNTY, FL, DOE
FIREMAN #1, DOE FIREMAN #2,
DOE FIRE MARSHAL, DOE 911
OPERATOR, DOE DEPUTY #1,
DOE DEPUTY #2, DOE DEPUTY
#3, DOE PARAMEDIC, ROBERT
LEBLANC, DOE BAILIFF,
PATRICIA O'DEA, DOE FBI
AGENT-EMPLOYEE, 5 DCA
JUDGES, F. RAND WALLIS, JAY
COHEN, JAMES EDWARDS,
KERRY EVANDER, JOHN
HARRIS, BRIAN LAMBERT,
RICHARD ORFINGER, WENDY
BERGER, PALMER, TORPY,
DANIEL IRICK, PAUL BYRON,
CHARLES HUDNALL, DOE
DIRECTOR, and KENNETH
NICHOLSON,**

Defendants.

ORDER

Plaintiffs Lawrence W. Konieczko and Laurie F. Konieczko have filed a motion seeking my disqualification pursuant to 28 U.S.C. § 455 ("Motion"). (Doc. 15.) The Motion states that I have "bias in favor of an adverse party" and incorporates their arguments made in their Objection (Doc. 16) to my November 2, 2023, Order

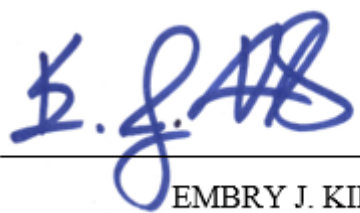
denying their Motion for Temporary Restraining Order (Doc. 13). In their Objection (Doc. 16), Plaintiffs take issue with the timing and substance of the Order, but the Supreme Court has made clear:

[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . In and of themselves (*i.e.*, apart from surrounding comments or accompanying opinion), they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required . . . when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal.”

Liteky v. United States, 510 U.S. 540, 555 (1994) (internal citation omitted).

Plaintiffs may appeal the Order if they are dissatisfied with it, but it does not form the basis for recusal. Since there was no other ascertainable reason presented for recusal, the Motion is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on November 16, 2023.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE