

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

**Jerry L. Hoffman v. Kelvan Jimenez, Individually and Official
Capacity; Jose Delgado, Individually and Official Capacity; and City
of Punta Gorda, Official Capacity**

Hoffman · No. 2:25-cv-00131-KCD-DNF · Decided January 20, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied Jerry Lamar Hoffman’s motion to recuse or disqualify Judge Kyle C. Dudek. The court held that dissatisfaction with judicial rulings and routine case-management decisions does not establish personal bias, prejudice, or an objectively reasonable appearance of partiality under 28 U.S.C. §§ 144 and 455.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida
DECIDED	January 20, 2026
DOCKET	2:25-cv-00131-KCD-DNF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 28 U.S.C. §§ 144 and 455 to recuse or disqualify the assigned magistrate judge based on adverse rulings and case-management decisions.
STANDARD OF REVIEW	Objective reasonable-observer standard under 28 U.S.C. § 455(a); actual personal bias standard under § 455(b); and legal sufficiency review of an affidavit under § 144, accepting alleged facts as true but determining whether they amount to legal bias.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive authority only
PARTIES	Jerry L. Hoffman v. Kelvan Jimenez, Individually and Official Capacity, Jose Delgado, Individually and Official Capacity, City of Punta Gorda, Official Capacity

TOPICS

civil procedure

civil rights

PRACTICE AREAS

Federal civil procedure

Judicial disqualification and recusal

Civil rights litigation

QUESTIONS PRESENTED

1. Whether adverse judicial rulings and routine case-management decisions created a reasonable basis to question the judge's impartiality under 28 U.S.C. § 455(a).
2. Whether those rulings demonstrated actual personal bias or prejudice under 28 U.S.C. § 455(b)(1).
3. Whether Hoffman's affidavit was legally sufficient to require recusal under 28 U.S.C. § 144.

HOLDINGS

1. Judicial rulings, including allegedly erroneous rulings, and ordinary administrative or case-management decisions almost never constitute a valid basis for recusal because they generally show judicial conduct rather than personal bias or prejudice.
2. The motion did not satisfy 28 U.S.C. §§ 144 or 455 because it alleged no personal or extrajudicial bias and did not show that an objective, fully informed observer would entertain significant doubt about the judge's impartiality.

KEY QUOTATIONS

“judicial rulings alone almost never constitute a valid basis for a bias or partiality motion.” (510 U.S. at 555)

“If the Court’s dismissal order was legally incorrect, the proper remedy is an appeal, not a motion to recuse.”

FACTUAL BACKGROUND

Hoffman sought recusal based on the court's denial of electronic filing privileges, dismissal of his action while he claimed a stay was in effect, and grants of routine extensions to opposing parties in a related habeas matter. His motion and affidavit relied on dissatisfaction with those judicial and administrative decisions. The court found no evidence of personal animus, extrajudicial bias, or deep-seated antagonism.

PROCEDURAL HISTORY

Hoffman filed a motion to recuse or disqualify Judge Kyle C. Dudek, alleging bias based on denial of electronic filing privileges, dismissal of the action while a stay was allegedly in effect, and extensions granted to defendants in a related habeas matter. The district court denied the motion, concluding that the allegations concerned only judicial rulings and procedural decisions and did not establish legally cognizable bias or partiality.

DISPOSITION

other

CASES CITED

- United States v. Amedeo, 487 F.3d 823, 828 (11th Cir. 2007)
- United States v. Serrano, 607 F.2d 1145, 1150 (5th Cir. 1979)
- Liteky v. United States, 510 U.S. 540, 555 (1994)
- In re Walker, 532 F.3d 1304, 1311 (11th Cir. 2008)

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