

**UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

RAYMOND E BUTLER, II,

Case No. 1:25-cv-04443

Hon. Georgia N. Alexakis

Plaintiff,

v.

ELI JACKFINN EDDI a/k/a ELY EDDI, ILANA FINN EDDI, DORINE MAGENCE, MANUEL MAGENCE, JEFFREY K. GUTMAN, NACHSHON DRAIMAN, WILLIAM KANTER, JOEL S. ROTHMAN, MOSHE SOLOVEICHIK, ALAN GREEN, JERRY CHERNEY, SHMUEL FUERST, HAROLD KATZ, SAMUEL MASLATON, DANIEL BERGMAN, IRVING BIRNBAUM, ARON STANTON, CHAIM RAJCHENBACH, RIVKA RAJCHENBACH, AVRUM RAJCHENBACH, MENACHEM SHABAT, AHUVA SHABAT, RONALD SHABAT, ERIC ROTHNER, COLMAN GINSPARG, JAMES MAINZER, MARSHALL K. BROWN, JEFFREY FINN, MEIR "AARON" COHEN, GARRY CHANKIN, NANCY ROSEN, MARK ANTEBI, BARRY ANTEBI, DAVID R. RAANAN, and ELLIOT E. ANTEBEI.

Defendants.

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**PLAINTIFF-APPELLANT'S MOTION TO DISQUALIFY JUDGE NANCY L. MALDONADO**

Plaintiff-Appellant Raymond E. Butler II ("Plaintiff"), by and through undersigned counsel, and pursuant to 28 U.S.C. § 455(a) and (b)(1), USCS Fed Rules App Proc R 27 moves this Court to disqualify Judge Nancy L. Maldonado from participating in any aspect of this appeal, including assignment to any panel or en banc consideration. This motion is based on the attached Memorandum of Law, the Declaration of Raymond E. Butler II, and the pleadings and records on file herein. In support thereof, Plaintiff states as follows:

1. This appeal arises from the district court's handling of *Butler v. Eddi, et al.*, No. 1:25-cv-04443 (N.D. Ill.), a Racketeer Influenced and Corrupt Organizations Act ("RICO") action involving breaches of fiduciary duty, trust asset dissipation exceeding \$544 million, and related claims against defendants including non-party CIBC Bank USA.
2. On September 10, 2025, Plaintiff filed a separate civil RICO action in the United States District Court for the Northern District of Illinois, *Butler v. Alexakis, et al.*, No. 1:25-cv-10904 (N.D. Ill.) (the "RICO Action"), directly naming Judge Maldonado as a defendant in her individual and official capacities. The RICO Action states that Judge Maldonado participated in a racketeering enterprise with District Judge Georgia N. Alexakis and unknown co-conspirators (John Does 1-10), engaging in obstruction of justice under 18 U.S.C. § 1503, wire fraud under 18 U.S.C. § 1343, mail fraud, and witness tampering in violation of 18 U.S.C. §§ 1962(c) and (d). These acts sabotaged Plaintiff's district court case to favor defendants, resulting in damages exceeding \$500 million.
3. Judge Maldonado's direct involvement as a named defendant in the RICO Action creates an unavoidable conflict of interest and a reasonable appearance of partiality, mandating her recusal under 28 U.S.C. § 455(a). Moreover, her personal bias and prejudice against Plaintiff, outlined in

- the RICO Action and evidenced by her actions in the underlying case, trigger mandatory disqualification under § 455(b)(1). Judge Maldonado's legal background reveals additional grounds for recusal, including her political ties to former President Obama, criticisms of incompetence and backlog during her confirmation, and rulings demonstrating bias against civil rights plaintiffs like Butler.
4. Granting this motion is essential to preserve the integrity of these proceedings and ensure Plaintiff's due process rights under the Fifth and Fourteenth Amendments.

## II. FACTUAL BACKGROUND

### A. Underlying District Court Action

On April 24, 2025, Plaintiff filed *Butler v. Eddi, et al.*, No. 1:25-cv-04443, alleging RICO violations, breaches of fiduciary duties, and dissipation of trust assets valued at over \$544 million. The case involves complex trust disputes with defendants as well as non-party CIBC Bank USA.

### B. Judge Maldonado's Misconduct in the District Court Proceedings

As detailed in the RICO Action against Judges Alexakis and Maldonado, 1:25-cv-10904, (Compl. ¶¶ 5-10, ECF No. 1), Judge Maldonado, while serving on the Seventh Circuit, interfered in the district court appeal process. Specifically, she accessed the website of KMFL Law, Inc. multiple times between August 1-6, 2025, engaging in unauthorized surveillance

constituting wire fraud under 18 U.S.C. § 1343, which prejudiced her against Plaintiff (RICO Compl. ¶ 9; Exhibit B thereto).

- a. In collusion with Judge Alexakis, she led a biased panel that denied Plaintiff's appeal and en banc rehearing request (RICO Compl. ¶ 9; Exhibits C & D thereto).
- b. These actions prolonged asset dissipation and inflicted over \$544 million in harm, in violation of 18 U.S.C. § 1503 (obstruction of justice).

### **C. RICO Action Against Judge Maldonado**

The RICO Action explicitly sues Judge Maldonado for her role in a “cesspool” enterprise within the federal judiciary, stripping her of judicial immunity due to an invalid Biden autopen nomination (1:25-cv-10904 RICO Compl. ¶¶ 2, 12-15). The complaint seeks treble damages, costs, attorneys' fees, and injunctive relief under 18 U.S.C. § 1964(c), as well as § 1983 claims for violations of Plaintiff's First, Fourth, Fifth, Sixth, and Fourteenth Amendment rights (RICO Compl. ¶ 16).

### **D. Additional Grounds**

A review of Maldonado's legal career reveals further bases for recusal including political ties and activist associations. Judge Maldonado's career includes relationships with judicial activists, raising concerns of partiality. Senator Mitch McConnell criticized her as "radical and incompetent,"

during her nomination process, citing a case backlog beyond the 99th percentile (Senate Republican Leader Press Release, Sep. 7, 2024)<sup>1</sup>. Yet, somehow, amid this crushing backlog, she managed to breeze through the denial of Plaintiff's appeal and the en banc denial in a staggering four days—truly a marvel of judicial efficiency.

- a. Additionally, in written questions to the Senate Judiciary Committee (QFR's), Maldonado denied basing decisions on personal beliefs but faced accusations of ideological rulings (Senate Judiciary Committee QFRs, Mar. 27, 2024). She further granted summary judgment against a § 1983 false arrest claim (*Lietzow v. Village of Huntley et al.*, N.D. Ill.), favoring defendants in a case akin to Plaintiff's.
- b. Moreover, Maldonado's 2022 district and 2024 circuit nominations occurred amid Biden judicial controversies, including diversity-driven picks criticized as merit-deficient. Moreover, the RICO Action's challenge to her appointment's constitutionality (U.S. Const. art. II, § 2) heightens the appearance of impropriety.

### III. LEGAL STANDARD

Under 28 U.S.C. § 455(a), a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." This objective standard protects the public's confidence in the judiciary (*Litky v. United States*, 510 U.S. 540, 548 (1994)). Section 455(b)(1) mandates recusal where the judge "has a personal bias or prejudice concerning a party."

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<sup>1</sup> <https://www.republicanleader.senate.gov/newsroom/research/senate-democrats-rubberstamp-another-unqualified-biden-judge>

Judges are presumed impartial, and the burden is on the movant to present factual allegations sufficient to overcome this presumption. Allegations must be credible and based on facts, not conclusory statements. *In re Maurice*, 167 B.R. 114, 125; *United States v. Baskes*, 687 F.2d 165, 170 (7th Cir. 1981). To disqualify a judge, the asserted bias or prejudice must be personal and arise from extrajudicial matters. *Id.*

A party's lawsuit against a judge creates a per se conflict, as it places the judge in the adversarial position of defending against allegations of corruption and bias (*see Preston v. United States*, 923 F.2d 731, 22, 25 (2d Cir. 1991) (recusal mandatory when judge sued by party)). Extrajudicial factors, such as political ties or public criticisms, further taint impartiality (*United States v. Murphy*, 768 F.2d 1518, 1527 (7th Cir. 1985)).

The grounds asserted herein align with general principles for asserting appropriate grounds for disqualification, as reflected in codes such as the ABA Model Code of Judicial Conduct Rule 2.11 (requiring disqualification where impartiality might reasonably be questioned) and analogous provisions in administrative contexts (e.g., 28 C.F.R. § 76.16, providing for disqualification of administrative judges upon self-recognition of bias or party motion). These principles emphasize factual, non-conclusory allegations of bias from extrajudicial sources, which this motion provides through specific incidents and public records.

## IV. ARGUMENT

A party's lawsuit against a judge creates a per se conflict, as it places the judge in the adversarial position of defending against allegations of corruption and bias (*In re Sch. Asbestos Litig.*, 977 F.2d 764, 776 (3d Cir. 1992)).

Extrajudicial factors, such as political ties or public criticisms, further taint impartiality (*United States v. Murphy*, 768 F.2d 1518, 1527 (7th Cir. 1985)).

### A. RICO Action Creates a Per Se Conflict Requiring Recusal Under § 455(a).

The RICO Action's (1:25-cv-10940) direct naming of Judge Maldonado as a racketeering defendant—involving fraud, obstruction, and constitutional violations in this very case—irrevocably undermines her impartiality. A reasonable observer would question her ability to fairly review an appeal she was involved in sabotaging. Her continued involvement risks affirming biased district rulings she orchestrated, eroding public trust. These factual allegations from the RICO Action overcome the presumption of impartiality, as they stem from extrajudicial conduct detailed in the RICO lawsuit (1:25-cv-10904). See *Baskes*, 687 F.2d at 170.

### B. Judge Maldonado's Personal Bias and Prejudice Against Plaintiff Mandates Disqualification Under § 455(b)(1).

RICO Action (1:25-cv-10940) details Judge Maldonado's targeted misconduct: website surveillance, appeal obstruction, and prejudiced denials

(RICO Compl. ¶¶ 8-10). These "extrajudicial" acts evidence personal animus (*Liteky*, 510 U.S. at 555). Her confirmation-record backlog and anti-civil-rights rulings suggest systemic bias against plaintiffs like Butler, who asserts similar property and due process claims. These credible, fact-based allegations rebut the presumption of impartiality, as they arise from sources outside routine judicial functions. *Id.*

### **C. Additional Background Reinforces the Appearance of Partiality.**

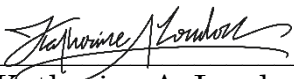
Judge Maldonado's previous Obama ties, activist grilling, and "DEI" criticisms create a reasonable doubt of neutrality in a politically charged trust dispute. Her gun-control views (Senate Hearing, Mar. 20, 2024) are tangential but underscore ideological leanings irrelevant to judicial restraint. Plaintiff's accusations amplify this. These extrajudicial factors provide factual grounds overcoming the presumption of impartiality. *In re Maurice*, 167 B.R. at 125; *Baskes*, 687 F.2d at 170.

Denying recusal would violate Plaintiff's rights and invite mandamus or Supreme Court review (28 U.S.C. § 1251).

## V. CONCLUSION

For the foregoing reasons, Plaintiff requests that Judge Maldonado be disqualified forthwith, the case reassigned to an impartial panel, and expedited consideration of this motion.

Respectfully submitted,

/s/   
Katherine A. London  
Counsel for Plaintiff

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### CERTIFICATE OF GOOD FAITH

I, Katherine A. London, attorney of record for Raymond Butler II, in the above-captioned matter, hereby certify pursuant to 28 U.S.C. § 144 that the Motion for Disqualification of Judge and the accompanying affidavit filed herewith are made in good faith and not for purposes of delay or any other improper purpose.

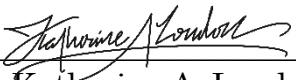
I further certify that the factual allegations contained in the accompanying affidavit are believed to be true and that the motion for judicial disqualification is based upon a genuine belief that the grounds for disqualification exist as set forth in the supporting affidavit.

This certification is made in compliance with the requirements of 28 U.S.C. § 144.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of September, 2025.

I hereby certify that on this 24<sup>th</sup> day of September, 2025, I caused a true and correct copy of the foregoing complaint to be served upon all parties or their counsel of record via electronic filing through the Courts CM/ECF system.

/s/   
Katherine A. London  
Counsel for Plaintiff

Katherine A. London  
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I, Raymond E. Butler II, being first duly sworn, depose and state as follows:

1. I am the Plaintiff in the underlying federal action titled Butler v. Eddi, et al., Case No. 1:25-cv-04443, pending in the United States District Court for the Northern District of Illinois, Eastern Division, before purported United States Seventh Circuit Judge Nancy L. Maldonado.
2. I am a resident of Michigan, over the age of 18, of sound mind, and competent to make this affidavit. I make this affidavit based solely on my personal knowledge, except where explicitly stated upon information and belief (and as to those matters, I believe them to be true based on specific evidence reviewed, such as court records, electronic logs, and communications).
3. This is the first and only affidavit I have filed in this matter seeking disqualification of Judge Nancy L. Maldonado.
4. I have read the foregoing Motion to Disqualify United States Seventh Circuit Judge Nancy L. Maldonado, dated September 24, 2025, and I verify that the facts alleged therein are true and correct to the best of my knowledge and belief.
5. The purpose of this affidavit is to state my belief that Judge Maldonado harbors a personal bias or prejudice against me or in favor of the adverse parties and that her impartiality might reasonably be questioned necessitating her disqualification.
6. The facts demonstrating Judge Maldonado's personal bias or prejudice include specific incidents which are not based solely on her judicial rulings but on extrajudicial actions, unauthorized communications, and a pattern of disparate treatment indicating favoritism toward the defendants and non-party CIBC Bank USA.
7. I believe Judge Maldonado has a personal bias or prejudice against me and in favor of the adverse parties, stemming from extrajudicial sources, and that her impartiality might reasonably be questioned.
8. This belief is held in good faith, and this affidavit is submitted timely upon discovery of the full pattern of conduct, before further substantive proceedings.

FURTHER AFFIANT SAYETH NOT.



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Raymond E. Butler, II

Dated: September 24, 2025