

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RAYMOND E BUTLER, II,

Case No. 1:25-cv-04443

Hon. April M. Perry

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. ANTEBEL.

Defendants.

**PLAINTIFF’S MOTION FOR DISQUALIFICATION OF THE
HONORABLE APRIL M. PERRY PURSUANT TO 28 U.S.C. §455 AND
§ 144**

Plaintiff Raymond E. Butler II, by and through counsel, respectfully moves this Court pursuant to 28 U.S.C. § 455(a) (and, to the extent applicable, §§ 455(b) and 144) for disqualification of the Honorable April M. Perry. In support thereof, Plaintiff states as follows:

I. INTRODUCTION AND RELIEF REQUESTED

This action was reassigned to Judge Perry on March 19, 2026, only ten days ago, following the prior judge’s (Alexakis) self-recusal on Plaintiff’s motion. The case has had zero substantive activity under Judge Perry: no Rule 16 scheduling conference has been set, no discovery has commenced, no rulings

have issued, and the pending injunction remains on appeal with no further action taken.

Continued assignment of this matter to Judge Perry creates, at minimum, the appearance that her impartiality “might reasonably be questioned” by an objective observer. 28 U.S.C. § 455(a). Plaintiff therefore requests that Judge Perry disqualify herself and that the case be immediately reassigned by the Executive Committee pursuant to the Court’s Internal Operating Procedures.

II. FACTUAL BACKGROUND

1. This Underlying Action (1:25-cv-04443) was filed on August 6, 2024. On March 13, 2026, the prior judge granted Plaintiff’s motion for her disqualification. The case was briefly reassigned to the Honorable Thomas M. Dirkin, who requested a transfer, and was then reassigned to Judge Perry on March 19, 2026. (Exhibits A–D).
2. Judge Perry previously worked in the same federal office as Judge Alexakis during her tenure as an Assistant United States Attorney in the Northern District of Illinois and maintains a professional relationship with her former colleague who is now a defendant in the action arising from this case, 1:25-cv-10904.
3. The complaint in this action, together with the related civil RICO action (1:25-cv-10904) pending before the Honorable Franklin U. Valderrama,

contains allegations and claims that directly implicate the judicial process, prior rulings, and arguments that call into question the constitutional validity of Judge Perry's own judicial nomination and confirmation by President Biden. Specifically, Plaintiff alleges that numerous judicial appointments made during the Biden Administration, including those of Judges Alexakis, Maldonado, and Judge Perry herself, are constitutionally invalid because they were executed via autopen rather than by the President's own hand, in violation of Article II, Section 2 of the U.S. Constitution.

Defendants in the RICO action lack judicial immunity because their appointments violate the requirement that the President personally nominate judges "by and with the Advice and Consent of the Senate." Public records, articles, and testimony raise serious doubts about whether President Biden personally reviewed and approved these nominations amid widespread reports of his cognitive decline and mental acuity issues. Whistleblower allegations detail how "gatekeepers" in the Biden White House (including Ron Klain, Anita Dunn, Bob Bauer, Steve Ricchetti, and Jill Biden) allegedly controlled access to the autopen for executive actions, including pardons and judicial nominations, and "made money off of it" by selling access while President Biden was incapacitated or asleep. House Oversight Committee Chairman James Comer has vowed to probe Biden's 235 judicial appointments, questioning their legality and suggesting they could be

“declared null and void” due to autopen use by unelected aides. A June 4, 2025 White House memorandum confirms that the “vast majority” of Biden’s presidential actions in the second half of his presidency were signed via autopen. These invalid appointments render subsequent judicial acts *ultra vires*, stripping the affected judges of immunity under precedents such as *Marbury v. Madison*, 5 U.S. 137 (1803). Such claims create a **direct and personal stake** for Judge Perry in the outcome of this litigation.

4. Judge Perry has not made her required annual financial disclosure report publicly available as a judge pursuant to the Ethics in Government Act of 1978, 5 U.S.C. app. § 101 et seq. (and the implementing regulations of the Judicial Conference of the United States). Although she may have provided the disclosure internally, it is not accessible to the parties or the public, further contributing to the appearance of a lack of transparency regarding any potential financial or other interests that could affect her impartiality in this case. On its own, this lack of public disclosure raises reasonable concerns about undisclosed financial conflicts of which the parties and the public remain unaware. Moreover, in a previous disclosure provided to congress during her nomination for U. S. Attorney, Judge Perry’s investments show substantial involvement with Vanguard, which manages a large percentage of the Trusts’ assets which are at issue in this case.

5. In addition, Judge Perry recently issued rulings in *State of Illinois v. Trump*, No. 1:25-cv-12174 (N.D. Ill.), including an Opinion and Order signed October 10, 2025, that temporarily blocked the President’s federalization and deployment of National Guard troops. These rulings have been widely reported as limiting the President’s constitutional authority under Article II (as Commander in Chief) and raising separation-of-powers concerns under Article III. An objective observer could reasonably question whether such rulings reflect a broader disregard for core constitutional principles, including the separation of powers and Article III judicial authority, particularly in a case like this one that itself challenges aspects of the judicial process.

III. LEGAL STANDARD

6. Under 28 U.S.C. § 455(a), a judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” This is an objective standard: disqualification is required whenever “a reasonable person, knowing all the facts, would conclude that the judge’s impartiality might reasonably be questioned.” *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 861 (1988).
7. The statute is self-executing and imposes a duty on the judge to recuse *sua sponte*. Additionally, 28 U.S.C. § 144 provides that when a party files a timely and sufficient affidavit stating that the judge before whom the matter is pending has a personal bias or prejudice either against the party or in

favor of an adverse party, “such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.”

8. Local Rule 40.4 is an administrative rule promulgated by this District under the authority of 28 U.S.C. § 137, which expressly authorizes each district court to “divide its business among its judges” as provided by the rules and orders of the court. Federal Rule of Civil Procedure 83(a) further permits district courts to adopt local rules, but *only* to the extent they are “consistent with” federal statutes and the Constitution. Neither the statute nor the Federal Rule permits a local rule to override the mandatory disqualification requirements of 28 U.S.C. § 455 and § 144 or the constitutional guarantee of an impartial tribunal under the Fifth Amendment. Local Rule 40.4 cannot override this statutory and constitutional command.

IV. ARGUMENT

A. The Appearance of Partiality Arising from Judge Perry’s Professional Relationship with the Recused Prior Judge Requires Disqualification

Judge Perry’s ongoing relationship with Judge Alexakis as colleagues in the same federal office as AUSAs creates an appearance that her impartiality might reasonably be questioned, especially where the current case contains allegations that directly implicate the judicial process and prior rulings connected to that assignment. Code of Conduct for United States Judges, Canon 3(C)(1).

B. The Case Has Only Recently Been Assigned to Judge Perry, Zero Judicial Resources Have Been Invested Judge Perry received the case on March 19, 2026.

There has been no substantive progress whatsoever. Rigid application of LR 40.4's "lowest-numbered-judge" mechanism in these circumstances defeats the rule's own purpose of judicial economy and would lock this case before a judge whose impartiality is reasonably in doubt.

C. Judge Perry's Recent Rulings, Failure to File Financial Disclosures, and the Direct Implication of Her Own Biden Judicial Nomination Further Create an Appearance of Bias

An objective observer could reasonably question Judge Perry's impartiality given her recent rulings in high-profile matters involving the President's constitutional powers, including the October 10, 2025 Order in *State of Illinois v. Trump* that limited executive authority under Article II and raised Article III separation-of-powers concerns. In addition, Judge Perry has failed to file her required annual financial disclosure report pursuant to the Ethics in Government Act of 1978, 5 U.S.C. app. § 101 et seq., depriving the public (and the parties) of transparency regarding any potential interests that could affect her judgment in a case alleging judicial misconduct.

Most critically, the allegations and claims in this action (and the related RICO action) directly challenge the constitutional validity of federal judicial nominations and confirmations under the Biden Administration. Plaintiff alleges that Judge Perry's own nomination and confirmation were executed via autopen,

a mechanical device simulating the President's signature, rather than by President Biden's own hand, amid widespread reports of his cognitive decline. These appointments allegedly violate Article II, § 2's requirement of personal presidential nomination "by and with the Advice and Consent of the Senate." Whistleblower evidence and congressional investigations confirm rampant autopen abuse for executive actions (including judicial nominations), with gatekeepers allegedly profiting from access while the President was incapacitated. Such claims render the appointments void *ab initio*, stripping affected judges of immunity and rendering their acts *ultra vires*. Because resolution of these claims would necessarily call into question the legitimacy of Judge Perry's own appointment, she has a direct personal stake in the litigation's outcome. This creates an undeniable appearance of partiality under 28 U.S.C. §§ 455(a) and 455(b)(1), as well as Canon 2 of the Code of Conduct for United States Judges (requiring judges to avoid impropriety and the appearance of impropriety in all activities).

D. Judge Perry's Strict Application of Local Rule 40.4 Demonstrates That She Is Unlikely to Prioritize Constitutional Requirements Over Mechanical Procedural Rules

An objective observer could reasonably question Judge Perry's impartiality given her recent rulings in high-profile matters involving the President's constitutional powers. In *State of Illinois v. Trump*, No. 1:25-cv-12174 (N.D. Ill.), Judge Perry issued an Opinion and Order signed October 10, 2025, that temporarily blocked the President's federalization and deployment of National

Guard troops. These rulings have been widely reported as limiting the President's authority under Article II as Commander in Chief and raising separation-of-powers concerns under Article III. An objective observer could reasonably question whether such rulings reflect a broader approach to constitutional interpretation that would affect her handling of this case, which itself challenges core aspects of the judicial appointment process and Article II requirements.

In the instant case, Judge Perry's strong adherence to the mechanical, administrative provisions of Local Rule 40.4 reinforces that even in cases involving core constitutional questions of separation of powers and Article II executive authority she may not be impartial. (Exhibit E) An objective observer could reasonably question whether Judge Perry would similarly elevate the administrative "lowest-numbered-judge" mechanism of LR 40.4 over the mandatory, higher-authority disqualification requirements of 28 U.S.C. § 455(a) and § 144 and the constitutional guarantee of an impartial tribunal, particularly where, as here, the case directly implicates the legitimacy of her own judicial appointment and raises serious questions about her financial transparency and potential conflicts.

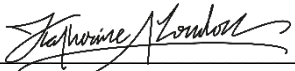
By rigidly applying LR 40.4 in constitutionally sensitive matters while failing to make her own financial disclosures publicly available, Judge Perry has created an additional layer of concern that she may not yield to the self-

executing duty to recuse when her impartiality might reasonably be questioned.

V. CONCLUSION

For the foregoing reasons, and those set forth in Plaintiff's Motion for Disqualification, Plaintiff respectfully requests that the Honorable April M. Perry disqualify herself under 28 U.S.C. § 455 and § 144 and that the case be immediately reassigned by the Executive Committee.

Respectfully submitted,

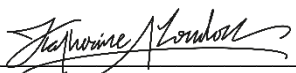
/s/ 
Katherine A. London, Esq.
Attorney for Plaintiff

KMFL Law, Inc.
Atty #: 6345920
100 Illinois St., Suite 200
St. Charles, IL 60174
klondon@kmflaw.com
630-507-9998

Dated: March 30, 2026

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2026, I served a true and correct copy of the foregoing Notice of Appeal on all parties of record by electronic filing in accordance with Rule 55(b)(2) Rule of Federal Procedure.

/s/ 
Katherine A. London, Esq.
Attorney for Plaintiff

KMFL Law, Inc.
Atty #: 6345920
100 Illinois St., Suite 200
St. Charles, IL 60174
klondon@kmflaw.com
630-507-9998

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 30th day of March, 2026.



Katherine A. London

**AFFIDAVIT OF RAYMOND E. BUTLER II IN SUPPORT OF
PLAINTIFF'S MOTION FOR DISQUALIFICATION OF THE
HONORABLE APRIL M. PERRY**


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 the Honorable April M. Perry.
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 these matters seeking disqualification of Judge April M. Perry.
4. I have read the foregoing Plaintiff's Motion for Disqualification of the Honorable April M. Perry Pursuant to 28 U.S.C. § 455 and § 144, dated March 30, 2026, 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 Perry may harbor a personal bias or prejudice against me or my attorney or in favor of the adverse parties and that her impartiality might reasonably be questioned, necessitating her disqualification.
6. The facts demonstrating Judge Perry's potential personal bias or prejudice include specific circumstances which are not based solely on her judicial rulings but on extrajudicial sources and a pattern of conduct indicating an appearance of partiality, including her prior professional relationship with the recused Judge Alexakis in the same federal office as Assistant United States Attorneys, her failure to file required annual financial disclosures, her recent rulings in *State of Illinois v. Trump* that reflect a disregard for core constitutional principles under Articles II and III, and, most critically, the direct challenge in this action and the related RICO action (1:25-cv-10904) to the constitutional validity of her own judicial nomination and confirmation by President Biden via autopen, which creates a personal stake in the outcome of this litigation.

7. I believe Judge Perry may have a personal bias or prejudice against me or my attorney 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 circumstances, before any substantive proceedings have occurred under Judge Perry.

FURTHER AFFIANT SAYETH NOT.

Respectfully submitted,

/s/ 

Raymond E. Butler II

Subscribed and sworn to before me this 30th day of March, 2026.

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.5)
Eastern Division**

Raymond E. Butler II

Plaintiff,

v.

Case No.: 1:25-cv-04443

Honorable Georgia N. Alexakis

Eli Jackfinn Eddi, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, March 13, 2026:

MINUTE entry before the Honorable Georgia N. Alexakis: In light of Plaintiff's pending suit against this Court in Case No. 25 CV 10904, the Court grants Plaintiff's motion for disqualification [223]. Other courts have reasoned that a judge is not disqualified merely because a litigant sues or threatens to sue him, unless there is a legitimate basis for the suit. See *Andersen v. Roszkowski*, 681 F. Supp. 1284, 1289 (N.D. Ill. 1988), *aff'd*, 894 F.2d 1338 (7th Cir. 1990) (collecting cases). There is no legitimate basis for Plaintiff's suit against this Court. Nonetheless, in an abundance of caution, the Court recuses itself pursuant to 28 U.S.C. 455(a). The Court asks that the Executive Committee reassign this matter accordingly. Mailed notice. (sxh,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.5)
Eastern Division**

Raymond E. Butler II

Plaintiff,

v.

Case No.: 1:25-cv-04443

Honorable Thomas M. Durkin

Eli Jackfinn Eddi, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, March 13, 2026:

MINUTE entry before the Honorable Georgia N. Alexakis: – IOP 13(f)(1) – I recuse myself from this case for the following reasons: Plaintiff has a pending suit against this Court in case number 25-cv-10904. Mailed notice (ph,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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EXHIBIT B



**United States District Court
Northern District of Illinois**

In the Matter of

Raymond E. Butler, II

v.

Eddi et al

District Judge Thomas M. Durkin

Case No. 25-CV-4443

Designated Magistrate Judge
Keri L. Holleb Hotaling

**TRANSFER OF CASE TO THE EXECUTIVE COMMITTEE
FOR A REASSIGNMENT**

I request the Executive Committee that the above captioned case be reassigned by lot to another judge of this Court. The reasons for my request are indicated on the bottom of this form.

A handwritten signature in black ink that reads "Georgia N. Alexakis". The signature is written in a cursive style.

Judge Georgia N. Alexakis

Date: Friday, March 13, 2026

- IOP 13(f)(1) - I recuse myself from this case for the following reasons:
Plaintiff has a pending suit against this Court in case number 25-cv-10904.

Dated:Friday, March 13, 2026

District Reassignment - By Lot

EXCEPTIONS OR ADDITIONS:

EXHIBIT C



**United States District Court
Northern District of Illinois**

In the Matter of

Butler

v.

Eddi et al

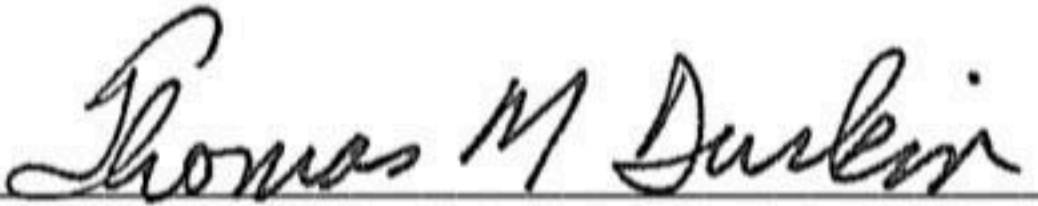
District Judge April M. Perry

Case No. 25-CV-4443

Designated Magistrate Judge
Keri L. Holleb Hotaling

**TRANSFER OF CASE TO THE EXECUTIVE COMMITTEE
FOR A REASSIGNMENT**

I request the Executive Committee that the above captioned case be reassigned by lot to another judge of this Court. The reasons for my request are indicated on the bottom of this form.



Judge Thomas M. Durkin

Date: Thursday, March 19, 2026

- 28:294(b) I transfer this case to the Executive Committee for reassignment to another judge pursuant to the provisions of 28 USC 294(b). The receiving judge will receive equalization credit.

Dated: Thursday, March 19, 2026

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.5)
Eastern Division**

Raymond E. Butler II

Plaintiff,

v.

Case No.: 1:25-cv-04443

Honorable April M. Perry

Eli Jackfinn Eddi, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, March 19, 2026:

MINUTE entry before the Executive Committee: Case reassigned to the Honorable April M. Perry for all further proceedings pursuant to Local Rule 28 USC 294(b). Mailed notice (emc,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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EXHIBIT E

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.5)
Eastern Division**

Raymond E. Butler II

Plaintiff,

v.

Case No.: 1:25–cv–04443

Honorable April M. Perry

Eli Jackfinn Eddi, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Sunday, March 29, 2026:

MINUTE entry before the Honorable April M. Perry: Plaintiff's motion for reassignment pursuant to Local Rule 40.4 [242] will be heard on 4/9/2026 at 10:00 a.m. in person in Courtroom 1725. Plaintiff should note that if the Court deems the actions related, only Judge Perry (the judge with the lowest–numbered case) can take both actions pursuant to the explicit terms of Local Rule 40.4. Plaintiff should file a withdrawal of the motion by 4/7/2026 to the extent Plaintiff's motion was premised on the assumption that Judge Valderrama would receive both cases. Mailed notice. (jcc,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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