

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

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ELDAR MURATOV,

Petitioner,

v.

Case No. 3:26-cv-1110-JEP-PDB

WARDEN RONNIE WOODALL, *et al.*

Respondents.

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RESPONSE OF PETITIONER'S COUNSEL VANO I. HAROUTUNIAN TO SUA

SPONTE ORDER TO SHOW CAUSE

Petitioner's counsel, Vano I. Haroutunian, respectfully submits this response to the Court's *Sua Sponte* Order to Show Cause. Counsel understands the seriousness of the Court's concerns. The docket sequence identified by the Court creates an appearance that requires a direct and candid response. Counsel does not minimize that appearance.

Counsel does not dispute that Case No. 3:26-cv-1090-JEP-LLL and this case are related within the meaning of Local Rule 1.07. Counsel also does not dispute that Case No. 3:26-cv-1090-JEP-LLL should have been identified in the civil cover sheet and by a prompt Notice of Related Action. Counsel accepts responsibility for that omission and apologizes to the Court, the Clerk's Office, and Court staff for the burden it caused.

The omission was counsel's error. Counsel simply did not realize that withdrawn or closed cases were subject to the rule requiring the prompt filing of a Notice of Related Action under Local Rule 1.07(c). It was not, however, an attempt to evade Judge Pratt, obtain another judge,

manipulate random assignment, conceal Case No. 3:26-cv-1090-JEP-LLL, or gain any undue litigation advantage. Counsel did not obtain any substantive ruling from Chief Judge Howard or any other judge. This case was reassigned to Judge Pratt before any merits ruling, before any response by Respondents, and before any judicial advantage was obtained. In fact, the refiling took place only hours after the initial filing and was almost identical to the initial filing. There was certainly no attempt to try to conceal the fact that it was an identical case to the previously filed one. Had counsel been aware at the time of the filing, as he should have been, of the application of Rule 1.07(c) to withdrawn or closed cases, he would have filed it at the time of the refiling.

Concurrently with this response, counsel is filing a Notice of Related Action identifying Case No. 3:26-cv-1090-JEP-LLL and describing its relationship to this case. Counsel is also filing a Notice Correcting Civil Cover Sheet Related-Case Information, making clear that Section VIII of the civil cover sheet should have identified Case No. 3:26-cv-1090-JEP-LLL as a related case assigned to Judge Pratt.

I. Counsel accepts responsibility for the Local Rule 1.07 omission.

The Court is correct that the two cases are related. Both involve the same petitioner, the same respondents, the same habeas claims, and the same requested relief. The petitions were identical because counsel was attempting to preserve the same emergency habeas request, not because counsel was attempting to change the merits presentation for a different judge.

Counsel should have identified Case No. 3:26-cv-1090-JEP-LLL in Section VIII of the civil cover sheet for this case. Counsel also should have promptly filed a Notice of Related Action under Local Rule 1.07(c). Counsel failed to do both because he did not realize at the time of the

refiling of the application of Rule 1.07(c) to cases that were withdrawn or closed. Counsel does not seek to excuse that failure.

Counsel's failure was not an affirmative misrepresentation and was not intended to conceal the prior action. Case No. 3:26-cv-1090-JEP-LLL was filed in the same District, in the same Division, with the same petitioner, the same respondents, the same counsel, and the same petition. Counsel now understands that those facts made the Local Rule 1.07 disclosure obligation especially clear. Counsel's failure to comply was a serious oversight, not a strategic effort to hide the earlier filing.

II. The dismissal and refiling were not motivated by judicial assignment.

Counsel does not ask the Court to disregard the timing. Counsel also does not contend that the assignment information was unavailable on the docket before the notice of voluntary dismissal was filed. The critical point is narrower: counsel dismissed and refiled because he believed that the initial case-opening package in Case No. 3:26-cv-1090-JEP-LLL had been submitted in a manner that could cause docketing confusion or delay in an emergency habeas matter. Because no respondent had appeared, no answer had been filed, no motion for summary judgment had been filed, and no merits ruling had issued, counsel mistakenly believed that a voluntary dismissal followed by immediate refiling of the identical petition was an appropriate administrative solution.

Counsel now recognizes that this was the wrong approach. Counsel should have addressed any perceived filing or case-opening issue in Case No. 3:26-cv-1090-JEP-LLL. Counsel also should have ensured that any refiled case expressly identified Case No. 3:26-cv-1090-JEP-LLL as a related action. Counsel's failure to do so understandably created an appearance of judge-shopping. Counsel apologizes for creating that appearance.

But counsel did not intend to evade Judge Pratt, obtain Chief Judge Howard, manipulate the random assignment system, or secure an undue litigation advantage. No ruling was obtained from another judge. This case was reassigned to Judge Pratt before any substantive ruling. Counsel accepts responsibility for the Local Rule 1.07 omission, but respectfully submits that the record does not establish subjective bad faith.

III. Rule 41 does not excuse the related-action omission, but the voluntary dismissal itself was procedurally authorized and does not establish bad faith.

Counsel does not contend that zealous advocacy permits improper judge-shopping or manipulation of the Court's random assignment system. It does not. Counsel recognizes the duty identified in *In re BellSouth Corp.* to avoid manipulation of random judicial assignment. See *In re BellSouth Corp.*, 334 F.3d 941, 958–59 (11th Cir. 2003).

Counsel's point is narrower: the voluntary dismissal itself was a procedurally authorized act under Rule 41(a)(1)(A)(i), and the dismissal/refiling sequence, standing alone, does not establish sanctionable bad faith. Rule 41 permits a plaintiff to dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). A Rule 41(a)(1)(A)(i) notice of dismissal is effective upon filing. *Matthews v. Gaither*, 902 F.2d 877, 880 (11th Cir. 1990); see also *Anago Franchising, Inc. v. Shaz, LLC*, 677 F.3d 1272, 1278–79 (11th Cir. 2012).

The former Fifth Circuit's decision in *Pilot Freight Carriers, Inc. v. International Brotherhood of Teamsters*, 506 F.2d 914 (5th Cir. 1975), is instructive. There, the defendants argued that Rule 41 dismissal should not be permitted because it allowed forum-shopping or selection of a "friendly judge." The former Fifth Circuit rejected that argument and held that the

plaintiff was entitled to dismiss under Rule 41(a)(1). *Id.* at 916–17. That decision is binding in this Circuit under *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*).

Other courts have reached similar conclusions in the sanctions context. In *Wolters Kluwer Financial Services, Inc. v. Scivantage*, the Second Circuit reversed sanctions based on a Rule 41 voluntary dismissal even though the district court had found that counsel’s purpose was to “judge-shop.” 564 F.3d 110, 114–15 (2d Cir. 2009). The court explained that, where Rule 41(a)(1) applied, the plaintiff had the right to dismiss and the fact that dismissal was used to flee a jurisdiction or judge did not, without a sufficient bad-faith finding, make the Rule 41 filing sanctionable. *Id.* at 115. Likewise, in *Adams v. USAA Casualty Insurance Co.*, the Eighth Circuit reversed a finding that counsel abused the judicial process by using Rule 41(a)(1) to seek a more favorable forum, explaining that the district court erred in concluding that counsel engaged in sanctionable conduct by stipulating to dismissal under Rule 41(a)(1) for purposes of forum shopping and avoiding an adverse result. 863 F.3d 1069, 1080–81 (8th Cir. 2017).

Counsel does not rely on these authorities to excuse the related-action omission. They do not excuse it. **Local Rule 1.07 required disclosure of Case No. 3:26-cv-1090-JEP-LLL, and counsel should have made that disclosure.** Counsel relies on these authorities only for the limited proposition that the voluntary dismissal itself does not establish sanctionable bad faith, particularly where no respondent had appeared, no answer or summary-judgment motion had been served, no merits order had issued, and the case was quickly reassigned to Judge Pratt before any substantive ruling by another judge.

IV. The status-conference filings were not an attempt to avoid the Court’s inquiry.

Counsel also respectfully addresses the Court’s concern regarding the May 8, 2026 status conference. Counsel’s request to appear remotely should have been more specific. It generally

referenced the travel burden and other scheduled matters. Counsel now recognizes that the filing did not provide the Court with sufficient information.

Counsel's later motion for continuance identified the preexisting New York court appearances that prevented counsel's attendance. Counsel filed that motion because those appearances created an actual scheduling conflict, not because counsel sought to avoid the Court's questions. Counsel was and remains willing to appear before the Court in person or remotely at any hearing the Court believes would assist its consideration of this response.

V. Sanctions are not warranted because the record does not establish subjective bad faith.

Counsel recognizes the Court's inherent authority to protect the integrity of judicial assignment and the orderly administration of justice. Counsel also recognizes that intentional judge-shopping could, under certain circumstances, be considered serious misconduct. But the issue presented by this response is whether counsel acted with subjective bad faith or engaged in conduct so egregious that it could only have been committed in bad faith.

The Eleventh Circuit has made clear that inherent-power sanctions require subjective bad faith. *Hyde v. Irish*, 962 F.3d 1306, 1310 (11th Cir. 2020); *Purchasing Power, LLC v. Bluestem Brands, Inc.*, 851 F.3d 1218, 1223–25 (11th Cir. 2017). This standard may be satisfied by direct evidence of subjective bad faith or by conduct so egregious that it could only have been committed in bad faith. *Hyde*, 962 F.3d at 1310. But recklessness alone is not enough. *Id.*; *Purchasing Power*, 851 F.3d at 1224–25. Negligent conduct, standing alone, likewise does not warrant sanctions under a court's inherent power. *Hyde*, 962 F.3d at 1311.

Counsel's conduct was mistaken, careless, and regrettable. It was not subjective bad faith. Counsel did not conceal a prior case after inquiry by the Court. Counsel did not obtain a merits

ruling from a different judge. Counsel did not multiply proceedings to harass an opponent. Counsel did not continue the omission after the Court raised it. Instead, counsel accepts responsibility, corrects the record, and has implemented safeguards to prevent recurrence.

VI. Referral is not warranted.

For the same reasons, counsel respectfully submits that referral to a grievance committee or bar authority is unnecessary. Counsel's omission failed to comply with the Court's related-action procedure, and counsel accepts responsibility for that failure. But the record does not establish that counsel intended to disrupt a tribunal, intended to prejudice the administration of justice, knowingly concealed a related case, or attempted to manipulate judicial assignment.

Counsel's corrective filings and sworn declaration address the Court's concern without need for disciplinary referral. Counsel respectfully asks the Court to treat this as a serious but inadvertent compliance failure, not as a disciplinary matter.

VII. Corrective measures already taken.

Counsel has taken the following corrective measures:

1. Counsel has reviewed Middle District of Florida Local Rule 1.07 and Local Rule 2.01.
2. Counsel is filing a Notice of Related Action identifying Case No. 3:26-cv-1090-JEP-LLL.
3. Counsel is filing a Notice Correcting Civil Cover Sheet Related-Case Information.
4. Counsel has adopted a federal filing checklist requiring a related-action search before filing any new federal action.

5. Counsel has adopted a rule that any voluntary dismissal followed by refileing must be reviewed for related-action disclosure obligations before the refiled action is submitted.
6. Counsel has adopted a rule that any motion to continue or appear remotely must identify specific conflicting proceedings and attach available supporting documentation when feasible.
7. Counsel will complete one hour of continuing legal education focused on federal court practice, local rules, and attorney professionalism within sixty days.

Counsel respectfully submits that these measures address the Court's concerns and make sanctions or referral unnecessary.

VIII. Alternative request for non-disciplinary corrective relief.

Counsel respectfully submits that no sanction or referral is warranted. If, however, the Court concludes that some response is necessary, counsel respectfully requests that the Court impose only non-disciplinary corrective relief, such as a written admonition, completion of continuing legal education, and continued compliance with the corrective filing checklist described above.

Counsel makes this alternative request not because he believes sanctions are warranted, but because he recognizes the Court's legitimate interest in enforcing Local Rule 1.07 and protecting the random assignment system. Counsel respectfully submits that non-disciplinary corrective relief would fully address the issue without the serious professional consequences of a grievance referral.

IX. Conclusion.

Counsel deeply regrets the omission and the burden it placed on the Court and its staff. Counsel accepts responsibility for failing to identify Case No. 3:26-cv-1090-JEP-LLL as a related

action. Counsel respectfully submits, however, that the omission was not a bad-faith attempt to manipulate judicial assignment.

For these reasons, counsel respectfully requests that the Court discharge the Order to Show Cause and decline to impose sanctions or refer this matter for further investigation. If the Court remains inclined to consider sanctions or referral, counsel respectfully requests an opportunity to be heard.

Dated: May 22, 2026

Respectfully submitted,

/s/ Vano I. Haroutunian
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Certificate of Service

I certify that on May 22, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notice to all counsel of record.

/s/ Vano I. Haroutunian
Vano I. Haroutunian