

BEFORE THE COURT OF THE JUDICIARY OF ALABAMA

In the Matter of)	
Herman Thomas, Circuit Court Judge)	Court of the Judiciary
Of Mobile County, Alabama)	Case No. 35
)	

MOTION TO DISMISS AS MOOT

The Judicial Inquiry Commission hereby moves this Honorable Court to dismiss as moot the Complaint, the Amended Complaint and the Second Amended Complaint filed in the above-styled matter, and as grounds in support thereof states as follows:

1. In a letter dated October 1, 2007, to the Chief Justice of the Supreme Court of Alabama, with a copy to the Governor, Herman Thomas tendered his resignation from, and vacated the office of, Circuit Court Judge for Mobile County, Alabama, effective "immediately."

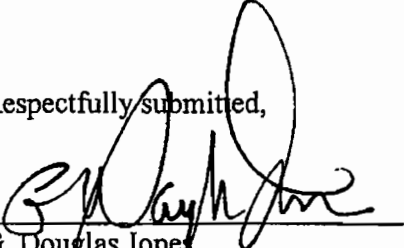
2. Based on Thomas's resignation from office, and because he is not presently eligible to hold office as a retired judge, Thomas no longer holds any office as a judge in the State of Alabama.

3. Under the Constitution of Alabama, the maximum sanction this Court could impose upon Thomas would be removal from office. Because Thomas has voluntarily vacated the office of circuit judge and no longer holds office as a Judge, the matter before this Honorable Court is moot. See In re Halsey, COJ No. 21 (July 26, 1976); In re Coggin, COJ No. 12 (June 16, 1981); In re Enfinger, COJ No. 17 (Nov. 20, 1985); In re Sloan, COJ No. 20 (Oct. 15, 1987); and In re Langley COJ No. 23 (Oct. 4, 1988).

Wherefore, the Judicial Inquiry Commission moves to dismiss all complaints in this matter as moot.

Done this the 2nd day of October, 2007.

Respectfully submitted,

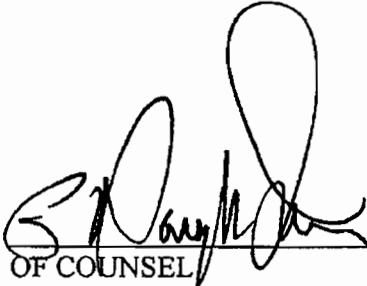

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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2007, I filed the foregoing with the Clerk of the Court and sent notification of such filing to the following:

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OF COUNSEL