Third District Court of Appeal

State of Florida

Opinion filed October 28, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D26-1965
Lower Tribunal No. 24-7333-FC-04

Dimo Veselinov Panov,
Petitioner,

vs.

Irina Panova,
Respondent.

A Case of Original Jurisdiction – Prohibition.

Dimo Veselinov Panov, in proper person.

No appearance, for respondent.

Before FERNANDEZ, MILLER, and LOBREE, JJ.

MILLER, J.

Petitioner, Dimo Veselinov Panov, the former husband, seeks a writ of prohibition disqualifying the assigned trial judge from further presiding over

his post-decretal dissolution proceedings. The trial court denied petitioner's verified motion for disqualification "on its merits." Panov correctly posits that this ruling "looked beyond the mere legal sufficiency of prejudice," which would ordinarily warrant disqualification, in and of itself, regardless of the sufficiency of the underlying motion.[1] See Bundy v. Rudd, 366 So. 2d 440, 442 (Fla. 1978) ("When a judge [looks beyond the mere legal sufficiency of a motion for disqualification], he has then exceeded the proper scope of his inquiry and on that basis alone established grounds for his disqualification."); MacKenzie v. Super Kids Bargain Store, Inc., 565 So. 2d 1332, 1339 (Fla. 1990) ("Although we have concluded that the ground for disqualification asserted in the initial motion was legally insufficient, we agree with the decision below that [the] . . . subsequent motion for disqualification should have been granted. . . . In ruling on [the] motion for disqualification, [the judge] went beyond a mere determination of the legal sufficiency of the motion and passed upon the truth of the facts alleged."). Yet seven days

[1] There is no indication that the judge was a successor, as defined under the Florida Rules of General Practice and Judicial Administration. See Fla. R. Gen. Prac. & Jud. Admin. 2.330(i) ("If a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (e), a successor judge cannot be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or impartial in the case. Such a successor judge may rule on the truth of the facts alleged in support of the motion.").

after denying the motion, the trial judge was reassigned to a different division. Under our precedent, reassignment of the judge to a different division renders the issue of disqualification moot. See Polanco v. Citizens Prop. Ins. Corp., 271 So. 3d 1117, 1118 (Fla. 3d DCA 2019) ("Because the trial court has been reassigned to a different division, we dismiss, as moot, that portion of the petition."); Reiser v. State, 894 So. 2d 302, 302 (Fla. 4th DCA 2005) ("Because the trial judge has been reassigned to a different division, we find that the issue of disqualification and transfer is moot."). Accordingly, we dismiss the petition.

Petition dismissed.