

CONFIDENTIAL

**BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT**

**FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
OCT 27 2015
Amy C. Nerenberg
Acting Clerk of Court**

Judicial Complaint Nos. 11-15-90092 and 11-15-90093

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against U.S. District Judges _____ and _____ of the U.S. District Court for the _____ District of _____, under the Judicial Conduct and Disability Act of 1980, Chapter 16 of Title 28 U.S.C. §§ 351-364.

ORDER

_____ (“Complainant”) has filed this Complaint against United States District Judges _____ and _____ (collectively, “the Subject Judges”), pursuant to Chapter 16 of Title 28 U.S.C. § 351(a) and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (“JCDR”).

Background

The record shows that in September 2005 Complainant and others filed a lawsuit raising numerous claims against the entertainer “_____” and various other corporate and individual defendants. At a status conference in December 2005, Judge _____ directed the plaintiffs to file an amended complaint of no more than 50 double-spaced pages. On December 13, 2005, Complainant filed an amended complaint. That same day, she filed a motion to recuse Judge _____, contending that Judge _____ had a conflict of interest because her husband was a partner in a law firm whose corporate client owned one of the corporate defendants, that she had ignored requests for judicial intervention, and that she had been verbally abusive to Complainant at the hearing. A few days later, Judge _____ denied the motion to recuse as legally insufficient, but nevertheless recused herself from the case because it had been brought to her attention that a minor child residing in her household owned one share of stock in one of the corporate defendants. The case then was reassigned to Judge _____ as the presiding district judge.

On December 21, 2005, Judge _____ entered an order dismissing the complaint as legally deficient, finding that it failed to present a claim for relief and was a “shotgun” pleading. In the order, Judge _____ stated that the amended complaint “reads like a supermarket tabloid,” that it was “[a]n amusing read on some level, but not one sentence contained therein demonstrates that the Plaintiffs have been injured and are

entitled to some relief,” and that the allegations were “nothing more than sensational accusations.” This Court clerically dismissed Complainant’s appeal for want of prosecution because she failed to file a corrected brief and corrected record excerpts within the required time.

The record also shows that in March 2015 Complainant filed a lawsuit against five defendants, raising claims of cybersquatting and violations of her right of publicity. She also moved to proceed in forma pauperis (IFP). On March 10, 2015, Judge _____ denied the IFP motion, noting that Complainant had stated in her complaint that she owned a copyrighted catalog worth billions of dollars. The order provided that Complainant could pay the filing fee in monthly installments of \$100.00, that the first payment was due on April 1, 2015, and that a failure to comply would result in dismissal of the case without further notice.

On April 2, 2015, Judge _____ dismissed the case without prejudice due to Complainant’s failure to comply with the March 10 order requiring her to make the first payment. In July 2015 Complainant filed a motion to recuse Judge _____ and to reopen the case. She argued, among other things, that Judge _____ had engaged in “corrupt conduct” in the 2005 case, that she had denied Complainant indigent status “under very bias circumstances,” and that it was inappropriate for her to preside over the 2015 case given the connection to the 2005 case. Judge _____ entered an order denying the motion to recuse and to reopen as moot.

Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant alleges that Judge _____ “engaged in a pattern of corruption against me in unlawfully [sic] support of her financial interests and that of her family” Complainant alleges that Judge _____ “engaged in corrupt behavior against me, in a ruling that was corrupt, xenophobic and endangered my life.” Complainant states that the “contents of [the Subject Judges’] rulings were proved wrong by the FBI and Metropolitan Police in London, England” Complainant then contends that in the 2005 case, Judge _____ engaged in “corrupt conduct” when she presided over the case “with a blatant and corrupt conflict of interest, was “rude and abusive” during a hearing, and “engaged in acts that blatantly favored the defendants.”

Complainant alleges that once the 2005 case was reassigned to Judge _____, Judge _____ “was more preoccupied with defending” Judge _____ than with the facts of the case. Complainant states that Judge _____ “summarily and autocratically threw out the 50 plus page lawsuit the same day she received it and clearly without reading it, playing character witness for the defendants, whilst defending her fellow jurist.” Complainant asserts that these actions “empowered” the defendants to engage in worse criminal conduct, and she states that she “was physically attacked as a result of this

corruption and became physically ill shortly after.” Complainant alleges that Judge _____ “inexcusably, unprofessionally and sadistically called the serious case . . . ‘amusing’ as if it were a joke, when people’s lives have been at stake and endangered”

Complainant contends that it is inappropriate for Judge _____ to preside over the 2015 case because Complainant is still in litigation with the defendants from the 2005 case. Complainant asserts that the 2015 case “has already been the subject of bias,” as she was denied indigent status when the state court had previously approved such status, and she states that she “had no idea” that the case was closed in April 2015. To her Complaint, she attached two documents that were filed in the 2015 case.

Discussion

Rule 3(h)(3)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States provides that cognizable misconduct does not include “an allegation that is directly related to the merits of a decision or procedural ruling.” The Rule provides that “[a]n allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse, without more, is merits-related.” *Id.* The “Commentary on Rule 3” states in part:

Rule 3(h)(3)(A) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations “[d]irectly related to the merits of a decision or procedural ruling.” This exclusion preserves the independence of judges in the exercise of judicial power by ensuring that the complaint procedure is not used to collaterally attack the substance of a judge’s ruling. Any allegation that calls into question the correctness of an official action of a judge — without more — is merits-related.

To the extent Complainant’s allegations concern the substance of the Subject Judges’ official actions, findings, and orders entered in the cases, the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Apart from the decisions or procedural rulings with which Complainant takes issue, she provides no credible facts or evidence in support of her allegations that either of the Subject Judges engaged in corrupt conduct, treated Complainant in a demonstrably egregious and hostile manner, was biased against Complainant or in favor of any defendants, acted to “defend” each other, or otherwise engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” JCDR 11(c)(1)(B), and the Complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists,” JCDR 11(c)(1)(D). For those reasons, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(ii) and (iii), and Rule 11(c)(1)(B) and (D) of the Rules for

Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**.

A handwritten signature in black ink, appearing to read "S. L. Williams", is written over a horizontal line. The signature is fluid and cursive.

Chief Judge