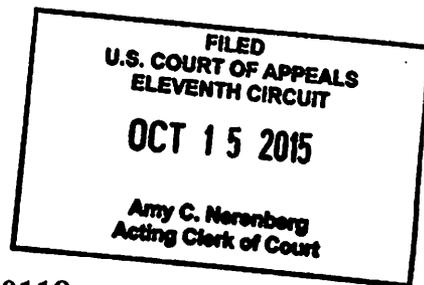


CONFIDENTIAL

BEFORE THE ACTING CHIEF JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT



Judicial Complaint Nos. 11-15-90106 through 11-15-90118

IN THE MATTER OF A COMPLAINT FILED BY \_\_\_\_\_

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

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ORDER

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Bankruptcy Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, United States Magistrate Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, United States District Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, and United States Circuit 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”). Judge \_\_\_\_\_ retired as a bankruptcy judge in \_\_\_\_\_, and Judge \_\_\_\_\_ retired as a magistrate judge in \_\_\_\_\_.

Background

The record shows that in March 2002 in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_, a group of plaintiffs filed a lawsuit against Complainant, \_\_\_\_\_ (“\_\_\_\_\_”), and others. The district judge later held Complainant and \_\_\_\_\_ in contempt for failing to comply with court orders. In December 2003 the district judge entered a judgment in favor of the plaintiffs and against \_\_\_\_\_, Complainant, and another defendant in an amount over \$2 million.

While that case was pending, in March 2003 \_\_\_\_\_, through Complainant, filed a voluntary petition for Chapter 11 bankruptcy in the United States Bankruptcy Court for the \_\_\_\_\_ District of \_\_\_\_\_, and Judge \_\_\_\_\_ was the bankruptcy judge assigned to the case. In April 2003 the U.S. Trustee and others filed motions to dismiss the case with prejudice or, in the alternative, to convert it to a Chapter 7 case. In May 2003 the case was dismissed with prejudice.

In November 2005 in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_, in a case the \_\_\_\_\_ (“\_\_\_\_\_”) filed against Complainant and others, Complainant and other defendants filed a motion to quash a subpoena issued by the \_\_\_\_\_. In November 2005 Judge \_\_\_\_\_ entered an order denying the motion to quash and all relief sought therein, finding the defendants did not have standing to object to the subpoena and that they were barred from collaterally attacking the order at issue. On appeal, a panel of this Court comprised of Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, affirmed the order denying the motion to quash. Complainant later filed various documents in the case and another notice of appeal.

The record shows that in 2007 a jury in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_ convicted Complainant of securities fraud and conspiracy to commit securities fraud and wire fraud, and he was sentenced to a term of imprisonment.

Among other cases in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_ in which Complainant has been involved, the record shows that in February 2013 he filed an “Emergency Petition Pursuant to 28 USC § 2241,” naming various defendants and challenging the conditions of his confinement. Judge \_\_\_\_\_ later entered an order finding that the action should be styled as a civil rights complaint, directing the clerk to change the style, and directing Complainant to pay the full filing fee or move to proceed in forma pauperis. After that, Complainant filed various motions. In June 2013 Judge \_\_\_\_\_ issued a report recommending that the action be dismissed for Complainant’s failure to comply with the court’s order.

In July 2013 Judge \_\_\_\_\_ adopted the report and recommendation, dismissed the action without prejudice, and denied Complainant’s motions for abuse of the court. Judge \_\_\_\_\_ ordered Complainant to post a \$10,000 bond to satisfy an award of sanctions for future frivolous filings, and stated that, until he did so, all papers he submitted in any action were to be filed in the case file. The record shows that Complainant then filed numerous documents in the case. He also filed multiple appeals, which this Court dismissed for lack of jurisdiction or clerically dismissed for want of prosecution.

In May 2013 Complainant filed a 28 U.S.C. § 2241 petition raising various arguments, and he named, among others, Judges \_\_\_\_\_ and \_\_\_\_\_ as respondents. In September 2013 Judge \_\_\_\_\_ issued a report recommending that the § 2241 petition be dismissed, generally finding that Complainant failed to establish he was entitled to relief. In October 2013 Judge \_\_\_\_\_ adopted the report and recommendation and dismissed the action. Complainant appealed, and in January 2015 this Court clerically dismissed the appeal for want of prosecution.

Finally, the record shows that in June 2015 Complainant filed in this Court a petition for writ of mandamus in which he raised arguments concerning the earlier

bankruptcy proceedings. He later filed a motion to disqualify various judges. In September 2015 a two-judge panel of this Court on which Judge \_\_\_\_\_ sat, denied the motion to disqualify and directed the bankruptcy court to respond to the mandamus petition.

### Earlier Complaint

Complainant filed a previous Complaint of Judicial Misconduct against Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, raising various allegations pertaining to their actions in his cases. Judge \_\_\_\_\_, in his role as \_\_\_\_\_, concluded the complaint matter to the extent it concerned Judge \_\_\_\_\_ in light of her retirement, and dismissed the complaint as merits-related and based on allegations lacking sufficient evidence to the extent it concerned Judges \_\_\_\_\_ and \_\_\_\_\_. Complainant filed a petition for review, and the Judicial Council Review Panel, on which Judges \_\_\_\_\_ and \_\_\_\_\_ sat, affirmed that disposition.

### Present Complaint

In the present Complaint of Judicial Misconduct or Disability, Complainant first alleges that a motion and petition have been “impeded, delayed, and obstructed by the corrupt and criminal endeavors, done with an evil and corrupt motive – to cover up, hide, suppress, and conceal” evidence of criminal acts committed in Complainant’s previous Complaint of Judicial Misconduct or Disability proceeding, a district court case, and a bankruptcy case. Complainant alleges that since July 2012, the Subject Judges and others “have all criminally agreed, colluded, conspired, and racketeered and have stolen, destroyed, hidden, and denied access to the public records filed in” various cases. He asserts that Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ and others “have hidden, stolen, and destroyed” a habeas petition and petition for rehearing “to obstruct, delay, and impede a criminal investigation . . . .”

Continuing on, Complainant alleges that the Subject Judges conspired to cover up crimes committed in various cases, and that each has “illegally, extra-constitutionally, and ultra viresly [sic] conducted judicial proceedings” in the absence of subject matter jurisdiction. He alleges that the judges on the \_\_\_\_\_ Circuit’s Judicial Council obstructed a criminal investigation in his previous Complaint of Judicial Misconduct or Disability matter. He then generally alleges that the Subject Judges committed various crimes and acted with illicit and improper motives, which caused the “continued false incarceration (kidnapping)” of Complainant and constituted a “racial hate crime.” Next, he alleges that all of the Subject Judges (except Judge \_\_\_\_\_) and others “accepted illegal gratuities and/or financial bribes” paid by law firms to “rig and fix” proceedings and to commit “RICO Crimes.” Finally, Complainant alleges that Judge \_\_\_\_\_ conspired with others in the bankruptcy proceedings to commit a fraud on the court.

## Discussion

Judges \_\_\_\_\_ and \_\_\_\_\_

Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States provides, “The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot or make remedial action impossible.” With respect to this rule, the “Commentary on Rule 11” states in part, “Rule 11(e) implements Section 352(b)(2) of the Act, which permits the chief judge to ‘conclude the proceeding’ if ‘action on the complaint is no longer necessary because of intervening events,’ such as a resignation from judicial office.”

To the extent the Complaint concerns Judges \_\_\_\_\_ and \_\_\_\_\_, in light of those judges’ retirements, “intervening events render some or all of the allegations moot or make remedial action impossible,” JCDR 11(e). For this reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(2) and Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint proceeding is **CONCLUDED** to the extent it concerns Judges \_\_\_\_\_ and \_\_\_\_\_.

### The Remaining Subject Judges

Rule 3(h)(3)(A) 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.

Furthermore, the “Commentary on Rule 3” provides:

The phrase “decision or procedural ruling” is not limited to rulings issued in deciding Article III cases or controversies. Thus, a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related—in other words, as challenging the substance of the judge’s

administrative determination to dismiss the complaint—even though it does not concern the judge’s rulings in Article III litigation.

To the extent Complainant’s allegations concern the substance of Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ official actions, findings, and orders entered in Complainant’s cases or previous Complaint of Judicial Misconduct or Disability proceedings, the allegations are directly related to the merits of those judges’ decisions or procedural rulings. Apart from the decisions or procedural rulings with which Complainant takes issue, he provides no credible facts or evidence in support of his claims that Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ engaged in misconduct.

With respect to Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, 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** to the extent it concerns Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

  
\_\_\_\_\_  
Acting Chief Judge