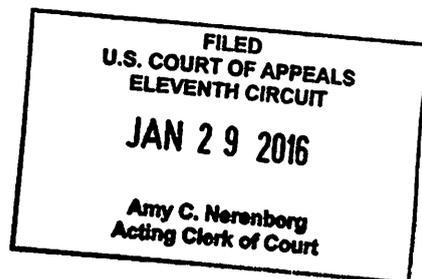


CONFIDENTIAL

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

Judicial Complaint No. 11-15-90146



IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against _____, Former U.S. District Judge for 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 Judge _____ (the “Subject Judge”), 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”). The Subject Judge retired effective January 30, 2014.

Background

The record shows that in 2006 Complainant filed an initial and a second 28 U.S.C. § 2254 petition for writ of habeas corpus, raising claims stemming from his state court criminal case and probation proceedings. In November 2007 a magistrate judge issued a report recommending that certain grounds in the § 2254 petitions be dismissed for failure to state a cognizable claim. In March 2008 the Subject Judge adopted the report and recommendation.

After that, the magistrate judge issued a report recommending that Complainant’s § 2254 petitions be denied, generally finding that he had failed to establish that he was entitled to relief on his claims. In April 2009, over Complainant’s objections, the Subject Judge adopted the report and recommendation and denied the § 2254 petitions with prejudice. The Subject Judge and this Court later denied Complainant’s motions for a certificate of appealability.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant generally takes issue with the Subject Judge’s April 2009 order denying his § 2254 petitions, and he asserts that the Subject Judge conspired to secure his conviction. Complainant also discusses his state court criminal case and probation proceedings.

Discussion

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.”

In light of the Subject Judge’s retirement, “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**. The conclusion of this proceeding in no way implies that there is any merit to Complainant’s allegations against the Subject Judge.



Chief Judge