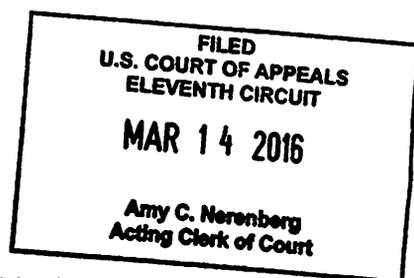


CONFIDENTIAL

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



Judicial Complaint Nos. 11-15-90164 through 11-15-90167

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against U.S. Magistrate Judges _____ and _____, and 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 Magistrate Judges _____ and _____ and 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”).

As an initial matter, after Complainant filed his Complaint, he filed three supplemental statements. The filing of those supplemental statements is approved. See 11th Cir. JCDR 6.7.

Background

The record shows that in July 2014 Complainant filed a prisoner civil rights action against various defendants, raising claims relating to the medical care he received at his place of incarceration. After various proceedings, he filed an amended complaint in November 2014. After that, Judge _____ entered an order noting that it did not appear that Complainant had listed all prior federal court litigation as he was required to do, and he directed Complainant to file a second amended complaint correcting the deficiencies and listing his previous cases. Complainant filed a motion to set aside Judge _____ order, which Judge _____ denied. Complainant appealed, and this Court later dismissed the appeal for lack of jurisdiction.

In January 2015 Complainant filed a motion to recuse Judge _____, arguing that he had created an “appearance of partiality” in the case and had exceeded his authority. Later that month, Judge _____ entered an order and report in which he denied the motion to recuse and recommended that the case be dismissed due to Complainant’s failure to file a second amended complaint as directed. Judge _____

adopted the report and recommendation and dismissed the case. Complainant then filed objections to Judge _____ order and report, which Judge _____ construed as a motion to alter or amend the judgment and denied. Complainant appealed, and this Court clerically dismissed the appeal for want of prosecution for failure to pay the required fees.

The record also shows that in April 2015 Complainant filed a prisoner civil rights action against multiple defendants, raising claims relating to the medical care provided at his place of incarceration, and he moved to proceed in forma pauperis (IFP). In April 2015 Judge _____ issued a report recommending that the complaint be dismissed for abuse of the judicial process due to Complainant's failure to disclose his previous lawsuits, and "pursuant to the 28 U.S.C. § 1915(g) three-strikes bar." In May 2015 Judge _____ rejected the report and recommendation, determining that the complaint should not be dismissed due to Complainant's failure to disclose his prior lawsuits and that he had alleged he was in imminent danger of serious physical injury. After that, Judge _____ granted Complainant's motion to proceed IFP.

After additional proceedings, in July 2015 three defendants filed a "Motion to Revoke" Complainant's IFP status. In September 2015 Judge _____ issued a report recommending that the Motion to Revoke be granted because Complainant failed to offer any evidence that he was in imminent danger, and Judge _____ recommended that the case be dismissed under the "three-strikes rule." In January 2016, over Complainant's objections, Judge _____ adopted the report and recommendation, revoked Complainant's IFP status, and dismissed the case without prejudice under 28 U.S.C. § 1915(g).

In April 2015 Complainant filed another prisoner civil rights action against multiple defendants relating to prison medical care, and he moved to proceed IFP. He later filed a motion to recuse Judge _____, noting that he had filed a Complaint of Judicial Misconduct or Disability against the judge. In April 2015 Judge _____ issued a report recommending: (1) the denial of Complainant's IFP motion because he had three "strikes" under § 1915(g) and had not shown that he was in imminent danger of serious physical injury; (2) the dismissal of the complaint without prejudice; and (3) the denial of all pending motions. Judge _____ denied the motion to recuse, generally finding that there was no basis for recusal. Over Complainant's objections, in May 2015 Judge _____ adopted the report and recommendation and dismissed the complaint without prejudice. Complainant filed a motion for reconsideration and other relief, which Judge _____ denied. Complainant appealed, and in February 2016 this Court clerically dismissed the appeal for want of prosecution for failure to pay the required fees.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states that his three federal lawsuits “[a]pparently . . . have stumbled into a massive fraud and federal public corruption investigation . . .” He states that part of the investigation “includes payoffs to federal judges and/or judges’ law clerks, and other court personnel to fix cases like” his. Complainant discusses the merits of his lawsuits and states that he “got some messed up rulings” in one of the cases, and he discusses his medical issues and takes issue with the medical care he received at his place of incarceration. Complainant states: “I found out the reason that I can’t get relief has nothing to do with the merits of the claims, but because some of your court personnel, including judges, are padding their bank accounts at my expense.” He then takes issue with various aspects of his cases, asserts that he cannot get a fair hearing, alleges that there is corruption in the courts, and raises allegations against individuals who are not federal judges.

Supplements

Complainant attached to his first supplemental statement a letter addressed to a district court clerk in which he generally took issue with the processing of one of his cases. In his second supplement, Complainant states that he is “about to take this Judicial Complaint public . . . because [he is] not going to stand by while Judge _____ uses confidentiality of these proceedings to reap the benefits of corruption while raping _____ taxpayers of hundreds of millions of dollars.” He also discusses the activity in one of his cases, and he takes issue with Judge _____ order dismissing the case, suggesting that Judge _____ was bribed by one of the defendants.

In his third supplement, titled “Emergency Petition for Writ of Mandamus,” Complainant requests that this Court enter an order causing him to be transferred to a different facility, to be housed in a “single man cell,” and to be provided with all of his medications. He also takes issue with the conditions of his confinement, alleges that he is in imminent danger of serious physical injury, and raises allegations against individuals who are not federal judges. He attached various documents to his third supplement.

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 Complainant’s cases, the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provides no credible facts or evidence in support of his allegations that any of the Subject Judges accepted a bribe 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**.



Chief Judge