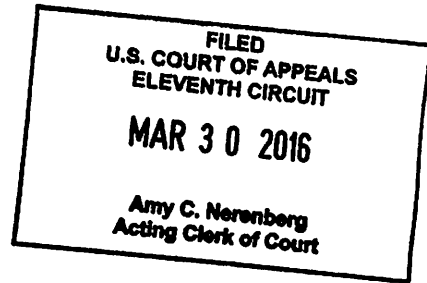


CONFIDENTIAL

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



Judicial Complaint No. 11-16-90009

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against _____, 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”).

Background

The record shows that in November 2014 Complainant filed in state court a lawsuit against _____, raising a claim of race discrimination. The defendant removed the case to federal court and filed a motion to dismiss the complaint. In April 2015 the Subject Judge entered an order noting that Complainant claimed that the defendant “refused to hire her . . . after offering her a contract, because of her race.” The order granted the motion to dismiss because the complaint did not comply with Fed. R. Civ. P. 8, and it gave Complainant leave to amend the complaint.

After that, Complainant filed an amended complaint in which she alleged that she signed a contract and was hired for a certain position, but was never allowed to work in that position due to her race. The defendant filed a motion to dismiss the amended complaint. In July 2015 the Subject Judge entered an order noting that Complainant claimed that the defendant “refused to hire her” due to her race and that she signed a contract with the defendant but was never allowed to work. The Subject Judge found that Complainant’s claim was barred by the doctrine of res judicata, granted the motion to dismiss, and granted her leave to file a second amended complaint.

The next month, Complainant filed a second amended complaint, and the defendant filed a motion to dismiss. In December 2015 the Subject Judge entered an order noting that Complainant claimed that she was not allowed to work in the position for which she was hired due to her race, and stating that “a failure to hire is a discrete act

that cannot, as a matter of law, constitute a continuing violation.” The Subject Judge then found that Complainant’s claim was barred by res judicata, granted the defendant’s motion to dismiss, and dismissed the case with prejudice.

Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant states that after she “wrote the Courts about how Justice should be prevailed,” the Subject Judge “wrote and informed [her] about sanctions and such.” Complainant then states, “after that [the Subject Judge] used his authority by changing words that [she] said,” and became prejudiced against her “after the letter that [she] wrote.” She contends that the Subject Judge “continues to state that not hiring does not constitute a continuing action and about not being hired,” when she “was already hired and has a documented contract.” She asserts that the Subject Judge “has changed words to dismiss [her].” To her Complaint, Complainant attached a March 2014 letter addressing a “District Judge” in which she discusses various claims involving the defendant.

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 Judge’s official actions, findings, and orders entered in the case, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, she provides no credible facts or evidence in support of her claims that the Subject Judge was prejudiced against her 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 "E. Blamer", written over a horizontal line.

Chief Judge