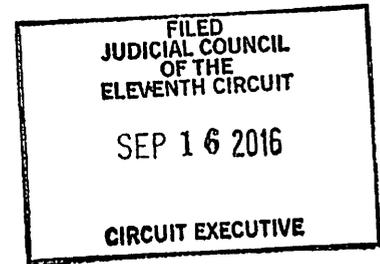


FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT

111690011



IN RE: COMPLAINT OF JUDICIAL  
MISCONDUCT OR DISABILITY

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ON PETITION FOR REVIEW\*

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Before: TJOFLAT, HULL, MARCUS, WILSON, PRYOR, MARTIN, JORDAN, ROSENBAUM, and JULIE CARNES, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, STEELE, WATKINS, and WOOD, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Tjoflat, Wilson, Pryor, Thrash, and Land, the order of Chief Judge Ed Carnes filed on 6 April 2016, and of the petition for review filed by the complainant on 5 May 2016, with no non-disqualified judge on the Judicial Council Review Panel having requested that this matter be placed on the agenda of a meeting of the Judicial Council,

The Judicial Council Review Panel hereby determines that the disposition of this matter was proper and said disposition is hereby AFFIRMED.

The foregoing actions are APPROVED.

FOR THE JUDICIAL COUNCIL:

United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Chief District Judge Rodgers did not take part in the review of this petition.

**CONFIDENTIAL**

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

**Judicial Complaint No. 11-16-90011**

**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”). The Subject Judge became a federal district judge in \_\_\_\_\_.

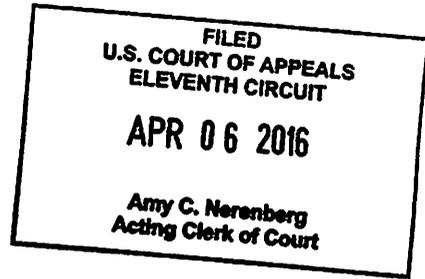
As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statement is approved. See 11th Cir. JCDR 6.7.

**Background**

A review of the district court’s electronic filing system shows that the Subject Judge has not been assigned to any federal cases involving Complainant.

**Complaint**

In his Complaint of Judicial Misconduct or Disability, Complainant generally alleges that the Subject Judge, in his capacity as a state court judge, engaged in misconduct and violated various “Judicial Canons” during Complainant’s state court criminal proceedings. Complainant specifically alleges that during those proceedings, the Subject Judge: (1) failed to take appropriate action in light of misconduct committed by others; (2) “took a biased and prejudicial interest in the case” based on Complainant’s prior conviction; (3) “encouraged and initiated the use of ex parte communication from the state”; (4) “failed to arrest judgment of” Complainant’s conviction “from the timely filing of” his motion for arrest of judgment, and imposed a sentence without ruling on the motion; (5) failed to take appropriate action when the state failed to disclose certain case law establishing that the court had jurisdiction; (6) authorized the state to commit fraud



upon the court; and (7) violated his judicial oath and Complainant's due process rights. He attached various documents to his Complaint.

### Supplement

In his supplemental statement, Complainant states that he is including a document that establishes that: (1) the state did not possess case law establishing that the court had jurisdiction in the matter; and (2) the Subject Judge authorized the amending of the charging document based on the disclosure of "fraudulent and fabricated case law." He attached a letter from a Public Defender's office stating that the office could not provide Complainant with certain case law that he had requested because it did not exist in the office's file.

### Discussion

Rule 4 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States provides, "A complaint under these Rules may concern the actions or capacity only of judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363."

All of Complainant's allegations concern the Subject Judge's actions in his capacity as a state court judge, before he became a United States district judge, and, even if Complainant had presented any basis for those allegations, which he has not, they are not cognizable under the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States.

Thus, this Complaint is "not appropriate for consideration under the Act," JCDR 11(c)(1)(G). For that reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(i) and Rule 11(c)(1)(G) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**. The dismissal of this Complaint in no way implies that the Subject Judge engaged in any misconduct in his capacity as a state court judge.



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Chief Judge