

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MAR 30 2016
Amy C. Nerenberg
Acting Clerk of Court

CONFIDENTIAL
BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Judicial Complaint Nos. 11-16-90012 through 11-16-90014

IN THE MATTER OF A COMPLAINT FILED BY _____

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

Background

The record shows that in August 2011 Complainant filed a second amended complaint against multiple defendants raising various claims. In September 2011 Judge _____ entered an order and report in which he denied various motions and recommended that the case be dismissed without prejudice as malicious due to Complainant’s abuse of the judicial process. In November 2011 Judge _____ approved the report and recommendation and dismissed the case without prejudice as malicious. On appeal, this Court affirmed.

The record also shows that in December 2015 Complainant filed a lawsuit naming the Subject Judges as defendants and generally alleging that they engaged in misconduct. After that, a magistrate judge issued a report recommending that the case be dismissed without prejudice because Complainant had “three strikes” under 28 U.S.C. § 1915(g) and he did not show that he was in imminent danger of serious physical injury. In January 2016 a district judge adopted the report and recommendation and dismissed the case without prejudice.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant cites various cases, and he attached, among other things, a discrimination complaint form in which he appears to allege that the Subject Judges discriminated against him on various grounds.

Discussion

Complainant provides no credible facts or evidence in support of his allegations that the Subject Judges discriminated against him or otherwise engaged in misconduct.

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 that reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(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