

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

JUN 03 2016

David J. Smith  
Clerk

**CONFIDENTIAL**

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

**Judicial Complaint No. 11-16-90019**

**IN THE MATTER OF A COMPLAINT FILED BY \_\_\_\_\_**

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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.

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**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 2013 a federal grand jury indicted Complainant on multiple charges. After various proceedings, the case went to trial beginning on January 20, 2016. At the end of trial, the jury found Complainant guilty as charged.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states that on January 20, 2016, he brought his “legal paperwork” from his place of detention to the Subject Judge’s courtroom for the beginning of trial. He asserts that when the court went into recess, a deputy United States Marshal would not allow him to take his legal papers from the courtroom back to his detention facility. According to Complainant, the deputy “went into [the Subject Judge’s] chambers to confer with him on the matter,” and when the deputy returned, he stated that the Subject Judge “said that [Complainant] was not allowed to take all of it, only a notebook and a couple of envelopes.”

Complainant states that at trial the next day, he chose to wear his “jail uniform,” and the Subject Judge advised him on the negative impact it could have on the jury and recommended that he change clothes. Complainant states that after he told the Subject Judge about what had happened the day before with respect to his legal materials, the Subject Judge “confirmed the Marshal Service was acting under his directive and told

[Complainant] that the courtroom is locked after court is in recess.” Complainant states that he then told the Subject Judge that his inability to take his paperwork with him hampered his defense and denied him a right to a fair trial, and the Subject Judge “maintained his position on disallowing [him] to take [his] legal work throughout the duration of trial.”

### Discussion

Complainant’s allegations concern the Subject Judge’s decision about the paperwork Complainant was allowed to take out of the courtroom after each day of trial and his statements about the possible negative impact of wearing a jail uniform during a jury trial. Even if true, those allegations do not constitute misconduct. The Subject Judge’s decision and statements reflect a proper exercise of his authority to maintain control over his courtroom. See Reese v. Herbert, 527 F.3d 1253, 1263 (11th Cir. 2008) (recognizing courts’ “inherent power to manage the conduct of litigation before” them).

The Complaint “alleges conduct that, even if true, is not prejudicial to the effective and expeditious administration of the business of the courts,” JCDR 11(c)(1)(A). For that reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**.



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Chief Judge