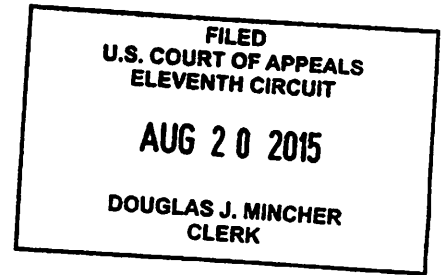


CONFIDENTIAL
BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT



Judicial Complaint No. 11-15-90074

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 judge in _____.

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

Background

The record shows that in December 2014 Complainant filed in state court a civil rights action against multiple defendants, alleging, among other things, that he had been falsely arrested and maliciously prosecuted in the state court in the 1990s, and asserting that the defendants violated his constitutional rights through fraud and RICO violations. In January 2015 two defendants removed the case to the federal district court, and they later filed a motion to dismiss the complaint. In April 2015 Complainant filed a “Complaint and Motion to Amend Complaint,” seeking to add the Subject Judge as a defendant “for her role in [Complainant’s] malicious prosecution” in 1994, and raising allegations concerning the Subject Judge’s actions in the 1990s when she was a “state attorney felony supervisor.” The two defendants filed a motion for a “Martin-Trigona” injunction requiring Complainant to obtain leave of court before filing any new action against them. In May 2015 Complainant filed an “Affidavit + Commercial Notice Appointment of Fiduciary Debtor” in which he purported to appoint the Subject Judge to act as a fiduciary in the case.

On May 12, 2015, the Subject Judge denied Complainant's motion to amend his complaint, finding that the proposed amendment was "futile, frivolous, and scandalous," and noting that a "judge is not subject to disqualification where a litigant baselessly attempts to sue a judge." The next day, the Subject Judge ordered that Complainant's "Affidavit + Commercial Notice Appointment of Fiduciary Debtor" be stricken because he did not have the authority or capacity to appoint the Subject Judge to any position in the case. About a week later, the Subject Judge granted the defendants' motion for a Martin-Trigona injunction, finding that it was appropriate to require Complainant to first obtain leave of court before filing any new actions against state actors in order to prevent repetitive and vexatious litigation.

After that, Complainant filed a motion to recuse the Subject Judge and to strike various orders, arguing that the Subject Judge caused his false arrest and malicious prosecution when she worked for the state in the 1990s. On June 22, 2015, the Subject Judge denied the motion to recuse and to strike, finding no reason to strike any previous orders or to recuse herself from the case. On the same day, the Subject Judge granted the defendants' motion to dismiss and dismissed Complainant's complaint with prejudice. The Subject Judge determined that the defendants were state actors who were entitled to sovereign immunity, the complaint failed to state a cause of action, the claims were barred by the statute of limitations, and Complainant had previously attempted to litigate his claims to no avail.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant included the "Complaint and Motion to Amend Complaint" that he had filed in the case, alleging that the Subject Judge was involved in Complainant's malicious prosecution when she was a "state attorney felony supervisor" in the 1990s. He also attached the motion to recuse the Subject Judge and to strike various orders, raising allegations about the Subject Judge's actions when she worked as an Assistant State Attorney. He attached various other documents to his Complaint.

Supplement

Complainant's supplemental statement consists of a civil complaint naming various individuals as defendants, and alleging, among other things, that state officials falsely arrested and maliciously prosecuted him in the 1990s. He asserts that state attorneys "were all under [the Subject Judge's] direction."

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 her capacity as an Assistant State Attorney, before she 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 her capacity as an Assistant State Attorney.



Chief Judge