

APR 04 2018

David J. Smith
Clerk

CONFIDENTIAL

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

Judicial Complaint No. 11-17-90078

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against _____, U.S. Bankruptcy Judge
for the U.S. Bankruptcy 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
Bankruptcy 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 July 2017 Complainant filed a voluntary petition for
Chapter 13 bankruptcy. Later that month, the Subject Judge entered an order withholding
entry of a discharge because Complainant had been granted a discharge in an earlier case.
In August 2017 the Subject Judge issued an order directing Complainant to show cause
why the case should not be dismissed and why a filing injunction should not be imposed.
Complainant then filed a notice that he was converting the case to a Chapter 7 case, and
the Subject Judge converted the case. After that, the Subject Judge issued another order
directing Complainant to show cause why the case should not be dismissed and why he
should not be prohibited from filing another bankruptcy case for a certain period of time.

Following a hearing, in October 2017 the Subject Judge entered an order
dismissing Complainant’s case with prejudice and prohibiting him from filing bankruptcy
documents for one year. The order stated, among other things, that: (1) it appeared that
Complainant had filed the case in order to relitigate or contest the state foreclosure
judgment of his home, but the court was precluded from reviewing that judgment; (2)
there were no assets for distribution in the case; and (3) he had received a discharge in his
previous Chapter 7 case. Complainant filed a motion for reconsideration, which the
Subject Judge denied. The record also shows that a related adversary proceeding
Complainant filed was closed in October 2017.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant appears to allege that the Subject Judge is allowing certain entities to commit crimes and act in bad faith. He also complains that documents he submitted were not filed in the bankruptcy case, and he raises allegations against individuals other than the Subject Judge.

Complainant attached various documents to his Complaint. In one attachment, he appears to allege that the Subject Judge ignored various issues, and he complains that the court ordered him to show cause why his case should not be dismissed. In another attachment, Complainant states that the Subject Judge "wants to shut [Complainant] up." He asserts that the Subject Judge retaliated against him, committed misprision of felony, and "aid[ed] and abet[ed] crime."

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 Complainant's 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 with which Complainant takes issue, he provides no credible facts or evidence in support of his allegations that the Subject Judge 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 "S. A. Ramey", is written over a horizontal line.

Chief Judge