

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 4 2019

CIRCUIT EXECUTIVE

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890013

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

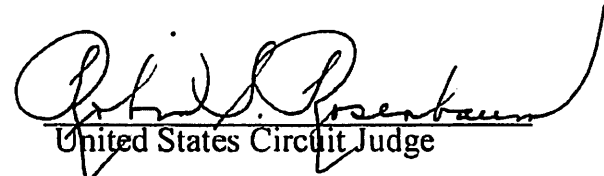
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Rosenbaum, Jill Pryor, Newsom, Land, and Walker, the order of Acting Chief Judge William H. Pryor Jr., filed on 28 September 2018, and of the petition for review filed by the complainant on 31 October 2018, 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, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 4 2019

CIRCUIT EXECUTIVE

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890014

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

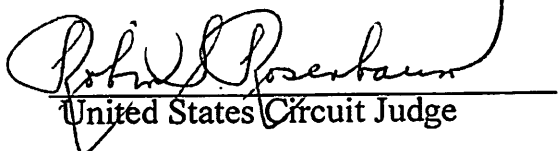
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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**.

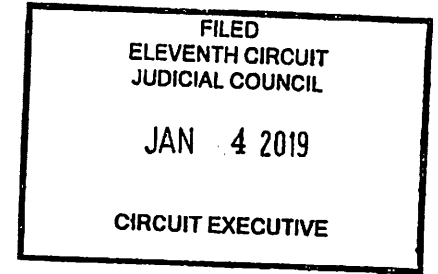
FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT

111890015



IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY

ON PETITION FOR REVIEW*

Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Rosenbaum, Jill Pryor, Newsom, Land, and Walker, the order of Acting Chief Judge William H. Pryor Jr., filed on 28 September 2018, and of the petition for review filed by the complainant on 31 October 2018, 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:

A handwritten signature in black ink, which appears to read "Robert D. Rosenbaum". Below the signature is a horizontal line, and underneath that line, the text "United States Circuit Judge" is printed in a serif font.

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 4 2019

CIRCUIT EXECUTIVE

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890016

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

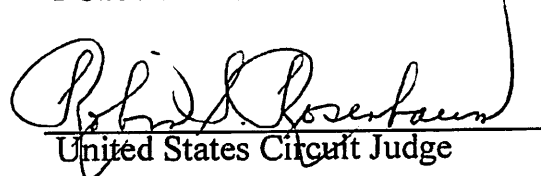
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 4 2019

CIRCUIT EXECUTIVE

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890017

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*


Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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**.

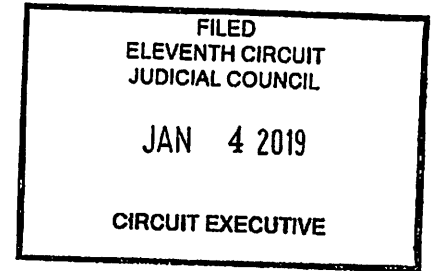
FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890018



**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Rosenbaum, Jill Pryor, Newsom, Land, and Walker, the order of Acting Chief Judge William H. Pryor Jr., filed on 28 September 2018, and of the petition for review filed by the complainant on 31 October 2018, 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, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890019

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 4 2019

CIRCUIT EXECUTIVE

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890020

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 4 2019

CIRCUIT EXECUTIVE

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

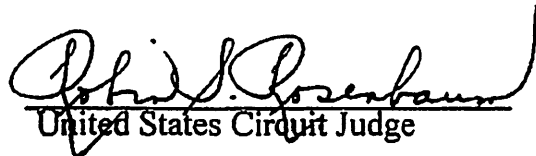
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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**.

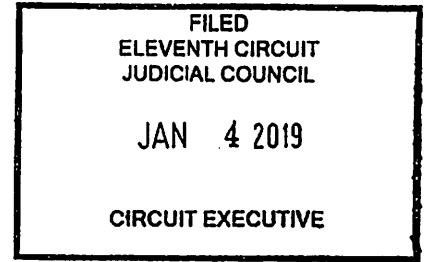
FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT

111890021



IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY

ON PETITION FOR REVIEW*

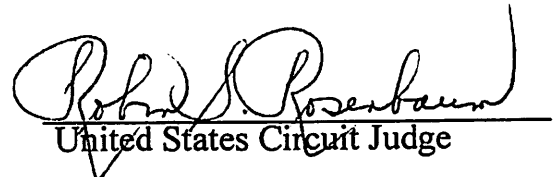
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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.

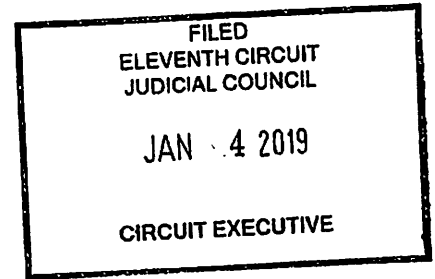
FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890022



**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

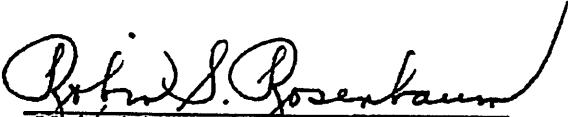
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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**.

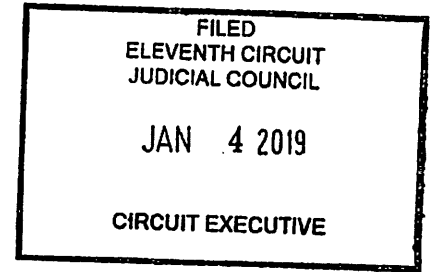
FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890023



**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Rosenbaum, Jill Pryor, Newsom, Land, and Walker, the order of Acting Chief Judge William H. Pryor Jr., filed on 28 September 2018, and of the petition for review filed by the complainant on 31 October 2018, 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**.

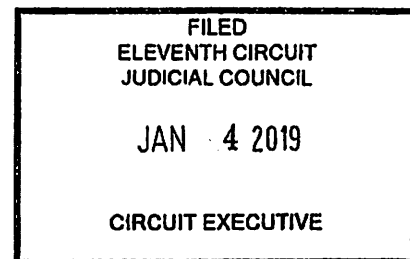
FOR THE JUDICIAL COUNCIL:

United States Circuit Judge

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890024



**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

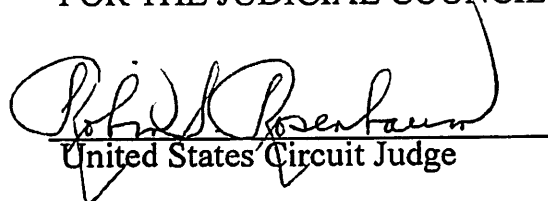
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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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**.

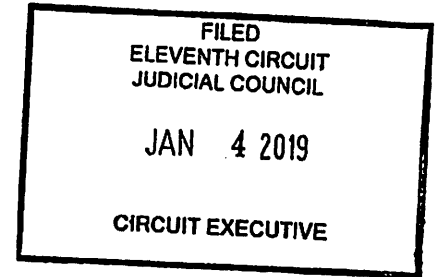
FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

* Chief Circuit Judge Ed Carnes, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890031



**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

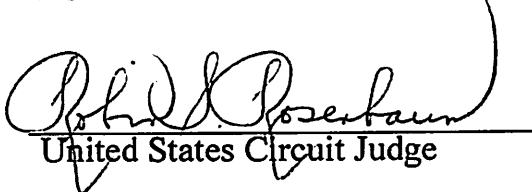
Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Rosenbaum, Jill Pryor, Newsom, Land, and Walker, the order of Acting Chief Judge William H. Pryor Jr., filed on 28 September 2018, and of the petition for review filed by the complainant on 31 October 2018, 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, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 4 2019

CIRCUIT EXECUTIVE

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

111890032

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*


Before: MARTIN, JORDAN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Rosenbaum, Jill Pryor, Newsom, Land, and Walker, the order of Acting Chief Judge William H. Pryor Jr., filed on 28 September 2018, and of the petition for review filed by the complainant on 31 October 2018, 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, Judge Tjoflat, Judge Marcus, Judge Wilson, and Judge William Pryor did not take part in the review of this petition.

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

SEP 28 2018

David J. Smith
Clerk

CONFIDENTIAL

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

**Judicial Complaint Nos. 11-18-90013 through 11-18-90024,
11-18-90031, and 11-18-90032**

IN THE MATTER OF A COMPLAINT FILED BY _____

**IN RE: The Complaint of _____ against U.S. District Judges _____,
_____, _____, _____, and _____ of the U.S. District Court for the
_____ District of _____, and U.S. Circuit Judges _____, _____,
_____, _____, _____, _____, _____, _____, and _____
of the U.S. Court of Appeals for the _____ Circuit, 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 Judges _____, _____, _____, _____, and _____, and United States Circuit Judges _____, _____, _____, _____, _____, _____, _____, _____, and _____ (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”). Judges _____ and _____ retired in _____ and _____, respectively.

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

Background

The record shows that in 1993 Complainant filed a complaint against the _____ Police Department (“the Police Department”) and other defendants alleging employment discrimination. After various amended complaints, in February 1996 Judge _____ dismissed Complainant’s fourth amended complaint with prejudice because he failed to respond to the defendants’ motions to dismiss with a memorandum of law. Complainant appealed, and in 1998 a panel of the circuit court comprised of Judges _____, _____, and _____ affirmed the dismissal of his complaint.

In May 1997 Complainant filed a lawsuit against the Police Department and other defendants, raising various claims. In July 1997 a district judge who is not one of the Subject Judges dismissed the complaint without prejudice as frivolous. Complainant then filed, among other things, a motion for reconsideration, which the district court denied.

In June 1998 Complainant filed a lawsuit against the Police Department and other defendants, raising claims of discrimination, retaliation, hostile work environment, and conspiracy. Judge _____ dismissed the complaint as frivolous and for failure to state a claim. In Appeal No. _____, a panel of the circuit court comprised of Judges _____, _____, and _____ vacated the dismissal order, holding that Complainant sufficiently stated a prima facie case as to the hostile work environment, retaliatory discharge, and conspiracy claims, and that he should be given the opportunity to amend his complaint with respect to the discrimination claim.

After various additional proceedings, in November 2000 Complainant filed in the district court a second amended complaint, arguing in part that certain defendants had fraudulently concealed documents and that the district judge failed to address the issue. The defendants filed motions to dismiss the second amended complaint. In August 2001 a magistrate judge issued a report recommending that all but one of the motions to dismiss be granted with prejudice, finding that Complainant failed to state a claim as to those defendants, and that the motion to dismiss filed by “the _____ Defendants” be denied.

Judge _____ adopted in part the report and recommendation, granted certain defendants’ motions to dismiss, and ordered that the _____ Defendants’ motion to dismiss would be taken under consideration as a motion for summary judgment. Complainant then filed a motion for summary judgment. In March 2002 Judge _____ entered an order granting the _____ Defendants’ motion for summary judgment and denying Complainant’s motion for summary judgment as moot. Judge _____ found that Complainant’s claims against the _____ Defendants were barred by the doctrine of res judicata. Complainant appealed.

In February 2003 a panel of the circuit court comprised of Judges _____, _____, and _____ affirmed, holding that the district judge did not commit error or abuse his discretion in: (1) dismissing defendants because Complainant failed to adequately plead claims against them; (2) granting summary judgment in favor of the _____ Defendants on res judicata grounds; (3) dismissing unserved defendants; and (4) denying Complainant’s request for counsel and motion for recusal. Meanwhile, Complainant filed in the district court a motion to reverse the order granting summary judgment in favor of the _____ Defendants, which Judge _____ denied for lack of jurisdiction. Complainant appealed and moved to proceed in forma pauperis (IFP) on appeal. In August 2003 Judge _____ denied the IFP motion, determining the appeal was frivolous. Complainant filed a motion for reconsideration, and a two-judge panel

comprised of Judges _____ and _____ denied the motion because the appeal was frivolous.

The record shows that in April 2004 Complainant filed an amended complaint against numerous defendants, including the Police Department and Judge _____, arguing in part that the defendants lied and engaged in fraud to have his previous lawsuits dismissed. Judge _____ dismissed the complaint as barred by res judicata, as frivolous, and for failure to state a claim. In June 2005 a panel of the circuit court comprised of Judges _____, _____, and _____ affirmed on appeal, holding the district court committed no reversible error.

In March 2006 Complainant filed a lawsuit against the Police Department, multiple Subject Judges, and other defendants, alleging in part that the judges lied and refused to acknowledge a "Case Proving Remand/Mandate Order" and "Fraudulent Concealment of the Case Proving Evidence." In August 2006 Judge _____ dismissed the complaint as frivolous. Complainant then filed multiple motions seeking various types of relief, which Judge _____ denied. Complainant appealed and moved to proceed IFP on appeal.

In September 2007 Circuit Judge _____ entered an order denying the IFP motion because the appeal was frivolous, and a two-judge panel comprised of Judges _____ and _____ later denied a construed motion for reconsideration. In December 2007 a panel of the circuit court comprised of Judges _____, _____, and _____ denied other motions Complainant had filed and dismissed the appeal as frivolous on its own motion. The panel noted that: (1) Complainant moved for the recusal of circuit court judges based on his belief that they had not complied with the circuit court's mandate in Appeal No. _____; (2) the circuit court had affirmed the district court's resolution of the underlying case in a later appeal; and (3) Complainant's "belief that he was entitled to a different resolution of his claims is mistaken."

In June 2008 Complainant filed a civil rights action against the Police Department, multiple Subject Judges, and other defendants, alleging in part that the judges conspired to conceal "case proving evidence" and disobeyed the circuit court's mandate in an earlier appeal. The next month, Judge _____ dismissed the complaint with prejudice, finding it failed to comply with the pleading rules, was frivolous, and failed to state a claim, and that various claims were barred by res judicata. Complainant appealed, and in March 2011 the circuit court clerically dismissed the appeal for want of prosecution. In January 2011 Complainant filed an amended notice of appeal, and in May 2011 a panel of the circuit court that included Judge _____ dismissed the appeal for lack of jurisdiction because the notice of appeal was untimely as to any district court order. In March 2013 Judge _____ issued an order directing the clerk to return unfiled a motion to strike that Complainant had submitted.

Previous Complaints of Judicial Misconduct or Disability

Complainant has filed previous Complaints of Judicial Misconduct or Disability against every Subject Judge that he names in the instant Complaint, except for Judge _____.

1. Complaint Nos. _____ through _____

On March 24, 2003, Complainant filed three Complaints of Judicial Misconduct or Disability against District Judge _____ and Circuit Judges _____ and _____. He alleged that the judges overlooked concealed facts in two of his cases, denied him due process, failed to recuse themselves, and overlooked or ignored the circuit court's "Remand Order" in Appeal No. _____. By orders dated April 2, 2003, _____ Judge _____ dismissed the Complaints as merits-related. Complainant filed petitions for review, and on August 28, 2003, the _____ Circuit Judicial Council affirmed the disposition of the complaints.

2. Complaint No. _____

On November 7, 2003, Complainant filed a Complaint of Judicial Misconduct or Disability against District Judge _____, alleging that he intentionally lied about material facts, covered up "Fraudulent Concealment," and ignored filings. On January 8, 2004, _____ Judge _____ dismissed the Complaint as merits-related and "successive." Complainant filed a petition for review, and on April 8, 2004, the Judicial Council Review Panel affirmed the disposition of the Complaint.

3. Complaint Nos. _____ through _____

On September 29, 2010, Complainant filed 5 separate Complaints of Judicial Misconduct or Disability against a total of 14 subject judges, including District Judges _____, _____, _____, _____, and _____, and Circuit Judges _____, _____, _____, _____, _____, _____, and _____, as well as two magistrate judges. In the Complaints, Complainant alleged that the judges ignored his right to "Discovery Sanction Hearings," ignored the mandate in Appeal No. _____, improperly failed to recuse themselves, and/or were part of a "Judicial Conspiracy." On January 31, 2011, _____ Judge _____ issued 13 orders dismissing Complaints as merits-related or based on allegations lacking sufficient evidence, and on February 3, 2011, _____ Judge _____ dismissed the Complaint against Judge _____ for the same reasons. Complainant did not file a timely petition for review, and the Complaint matters were closed in March 2011.

4. Complaint No. _____

On March 26, 2014, Complainant filed a Complaint of Judicial Misconduct or Disability against Judge _____, alleging, among other things, that she was part of a conspiracy to cover up complaints he had filed. On May 5, 2014, _____ Judge _____ issued an order concluding the Complaint proceeding in light of Judge _____ retirement. Complainant filed a petition for review, and the Judicial Council Review Panel affirmed the disposition of the Complaint on November 10, 2014.

5. Complaint No. _____

On November 13, 2015, Complainant filed a Complaint of Judicial Misconduct or Disability against Judge _____, alleging that he and others illegally worked together to cover up the decision in Appeal No. _____ and other filings, and taking issue with Judge _____ order signed on behalf of the Judicial Council in the previous Complaint of Judicial Misconduct or Disability matter. On March 4, 2016, _____ Judge _____ dismissed the Complaint as merits-related and based on allegations lacking sufficient evidence. Complainant filed a petition for review, and on May 25, 2016, the Judicial Council Review Panel affirmed the disposition of the Complaint.

6. Complaint No. _____

On April 8, 2016, Complainant filed a Complaint of Judicial Misconduct or Disability against _____ Judge _____, taking issue with his order in Complaint No. _____ and alleging that he engaged in “intentional lying” to “Cover-Up and Continue the Conspiracy.” He also alleged that judges had ignored the circuit court’s “Mandate Order” in Appeal No. _____, lied, destroyed filings, and refused to apply Fed. R. Civ. P. 37(b)(2)(C). On March 31, 2017, _____ Judge _____ dismissed the Complaint as merits-related and based on allegations lacking sufficient evidence. Complainant filed a petition for review, and on August 15, 2017, the Judicial Council Review Panel affirmed the disposition of the Complaint.

7. Complaint Nos. _____ and _____

On May 5, 2017, Complainant filed a Complaint of Judicial Misconduct or Disability against Judges _____ and _____, alleging that: (1) they lied and were a part of a conspiracy to illegally cover up “Case Proving Evidence”; (2) Judge _____ dismissal of Complaint No. _____ on the ground that it was merits-related was a lie; and (3) unnamed judges abused their discretion, illegally dismissed cases, covered up matters, stole filings, acted illegally or without authority in connection with his prior cases and appeals, and refused to apply mandatory sanctions required by Rule 37(b)(2). On January 4, 2018, _____ Judge _____ dismissed the Complaint as merits-related and based on allegations lacking sufficient evidence. Complainant filed a petition for review, and on April 6, 2018, the Judicial Council Review Panel affirmed the disposition of the Complaint.

Present Complaint

Complainant's present Complaint of Judicial Misconduct or Disability consists of seven "Charges" in which he generally alleges that the Subject Judges were part of a conspiracy and intentionally lied to fraudulently conceal and cover up various matters, including the circuit court's "Fact Finding Order" in Appeal No. _____.

- In the first Charge, Complainant: (1) names Circuit Judges _____, _____, and _____, and District Judge _____; (2) alleges that Judge _____ abused his discretion by ignoring seven motions to compel and lied in Complainant's first lawsuit; and (3) alleges that Judges _____, _____, and _____ abused their discretion and were "Derelict in fulfilling their Duties by failing to address" Judge _____ abuse of discretion.
- In the second Charge, Complainant: (1) names Circuit Judges _____, _____, and _____ and District Judge _____; and (2) alleges that those judges intentionally lied to cover up the circuit court's order in Appeal No. _____.
- In the third Charge, Complainant: (1) names Circuit Judges _____, _____, and _____ and District Judges _____¹ and _____; (2) alleges that Judge _____ intentionally lied to illegally dismiss Complainant's lawsuit; and (3) alleges that the circuit judges abused their discretion by not addressing the district judge's dereliction of duty.
- In the fourth Charge, Complainant: (1) names Circuit Judges _____, _____,² and _____ and District Judge _____; (2) alleges that Judge _____ intentionally lied to illegally dismiss Complainant's lawsuit; and (3) alleges that the circuit judges intentionally lied and were derelict in their duties by agreeing with Judge _____.
- In the fifth Charge, Complainant: (1) names Circuit Judge _____ and District Judge _____; (2) alleges that Judge _____ lied to cover up matters, stole filings, and illegally refused to apply Rule 37(b)(2)(C); and (3) alleges that Judge _____ issued an "illegal Order saying the Case is closed due to lack of payment."
- In the sixth Charge, Complainant: (1) names Circuit Judges _____ and _____; (2) alleges that those judges intentionally lied to continue the "Cover-Up Conspiracy"; and (3) alleges that they "are guilty of Dereliction of Duties; Abuse of Discretion; Rank Insubordination for taking part in violating the LAWS" in connection with Complainant's prior Complaints of Judicial Misconduct or Disability.

¹ Judge _____ name appears as "_____." Complainant later clarified that he intended Judge "_____" to be Judge _____.

² Judge _____ name appears as "_____."

- In the seventh Charge, Complainant names Circuit Judge _____ and generally takes issue with his order dismissing Complainant’s prior Complaint of Judicial Misconduct or Disability.

Supplements

After he filed his Complaint, Complainant filed two supplemental statements, the first of which is comprised of various documents. He submitted a “2018 Motion for Recusal of this Entire _____ Circuit Based Upon Clear/Obvious Bias Proven to Infinity by the Success of this Cover-Up of the _____ Circuit Fact Finding Order Conspiracy,” in which he raises various allegations of misconduct and contends that all circuit judges should be recused. Complainant also submitted revised versions of the third and seventh Charges and 13 separate exhibits to his Complaint of Judicial Misconduct or Disability, which he generally contends support his allegations of misconduct. Complainant’s second supplement consists of a motion to file a new motion to recuse all circuit judges, as well as the motion to recuse all circuit judges, in which he raises various allegations of misconduct.³

Discussion

Judges _____ and _____

Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States provides, “The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot or make remedial action impossible.” With respect to this rule, the “Commentary on Rule 11” provides in part, “Rule 11(e) implements Section 352(b)(2) of the Act, which permits the chief judge to ‘conclude the proceeding’ if ‘action on the complaint is no longer necessary because of intervening events,’ such as a resignation from judicial office.”

To the extent the Complaint concerns Judges _____ and _____, in light of their retirements, “intervening events render some or all of the allegations moot or make remedial action impossible,” JCDR 11(e). For this reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(2) and Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint proceeding is **CONCLUDED** to the extent it concerns Judges _____ and _____. The conclusion of this proceeding in no way implies that there is any merit to Complainant’s allegations against Judges _____ and _____.

³ Complainant’s requests to recuse all circuit judges are DENIED.

The Remaining Subject Judges

Rule 3(h)(3)(A) 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.

In addition, the “Commentary on Rule 3” provides:

The phrase “decision or procedural ruling” is not limited to rulings issued in deciding Article III cases or controversies. Thus, a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related—in other words, as challenging the substance of the judge’s administrative determination to dismiss the complaint—even though it does not concern the judge’s rulings in Article III litigation.

Furthermore, when a complaint repeats allegations of a previously dismissed complaint, it is appropriate to dismiss those allegations and address only any allegations that have not previously been considered. See JCDR 11(c)(2).

Complainant’s allegations that the remaining Subject Judges engaged in misconduct in connection with his lawsuits and appeals, and that Judges _____ and _____ engaged in misconduct in connection with previous Complaints of Judicial Misconduct or Disability, have already been considered in connection with earlier Complaints of Judicial Misconduct or Disability.

To the extent Complainant raises allegations that have not previously been considered, his allegations that pertain to the substance of Judge _____ order in Complaint Nos. _____ and _____ are directly related to the merits of Judge _____ decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provides no credible facts or evidence in support of his claims that the Subject Judges engaged in misconduct.

With respect to all of the Subject Judges except for Judges _____ and _____, the allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” and the Complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists.” 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** to the extent it concerns the Subject Judges other than Judges _____ and _____.


Acting Chief Judge