

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

**111890033**

**FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL**

**OCT 22 2018**

**CIRCUIT EXECUTIVE**

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

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**ON PETITION FOR REVIEW\***

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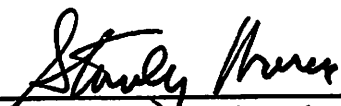
Before: MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDÁN, and ROSENBAUM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Marcus, Wilson, William Pryor, Land, and Walker, the order of Chief Judge Ed Carnes filed on 20 July 2018, and of the petition for review filed by the complainant on 30 July 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 and Circuit Judges Gerald B. Tjoflat, Jill A. Pryor, and Kevin C. Newsom did not take part in the review of this petition.

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

**111890034**



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

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**ON PETITION FOR REVIEW\***

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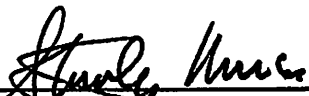
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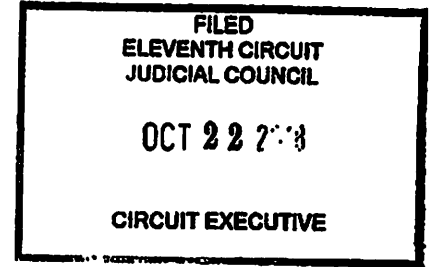
**FOR THE JUDICIAL COUNCIL:**

  
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United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Circuit Judges Gerald B. Tjoflat, Jill A. Pryor, and Kevin C. Newsom did not take part in the review of this petition.

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

**111890035**



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

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**ON PETITION FOR REVIEW\***

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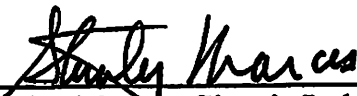
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**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

**111890036**

**FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL**

**OCT 22 2018**

**CIRCUIT EXECUTIVE**

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

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**ON PETITION FOR REVIEW\***

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Before: MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDÁN, and ROSENBAUM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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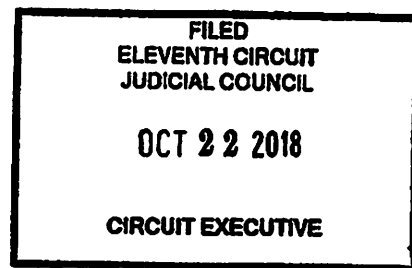
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United States Circuit Judge

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

**111890037**



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

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**ON PETITION FOR REVIEW\***

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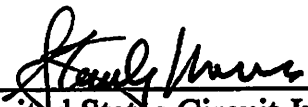
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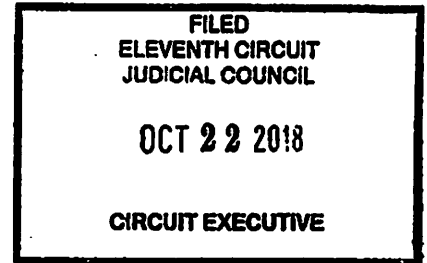
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United States Circuit Judge

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

**111890038**



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

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**ON PETITION FOR REVIEW\***

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Before: MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDÁN, and ROSENBAUM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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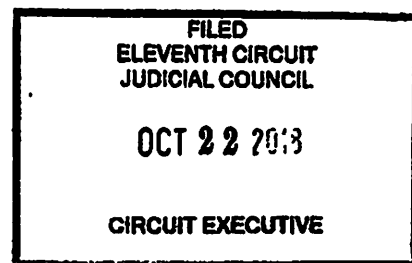
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United States Circuit Judge

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

**111890039**



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

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**ON PETITION FOR REVIEW\***

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Before: MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDÁN, and ROSENBAUM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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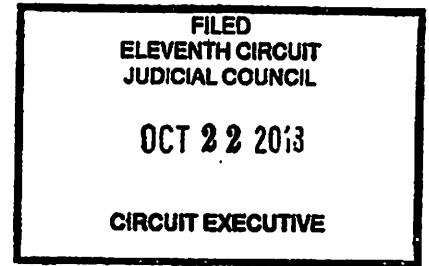
FOR THE JUDICIAL COUNCIL:

  
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United States Circuit Judge

- \* Chief Circuit Judge Ed Carnes and Circuit Judges Gerald B. Tjoflat, Jill A. Pryor, and Kevin C. Newsom did not take part in the review of this petition.

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

**111890040**



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

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**ON PETITION FOR REVIEW\***

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Before: MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDÁN, and ROSENBAUM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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**FOR THE JUDICIAL COUNCIL:**



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United States Circuit Judge

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

**111890041**

**FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL**

**OCT 22 2018**

**CIRCUIT EXECUTIVE**

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

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**ON PETITION FOR REVIEW\***

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Before: MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDÁN, and ROSENBAUM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, WATKINS, DuBOSE, HALL, and WALKER, Chief District Judges.

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**FOR THE JUDICIAL COUNCIL:**

  
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United States Circuit Judge

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

**111890042**



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

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**ON PETITION FOR REVIEW\***

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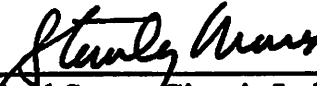
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United States Circuit Judge

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

**111890043**



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

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**ON PETITION FOR REVIEW\***

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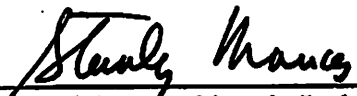
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**FOR THE JUDICIAL COUNCIL:**

  
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United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Circuit Judges Gerald B. Tjoflat, Jill A. Pryor, and Kevin C. Newsom did not take part in the review of this petition.

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

JUL 20 2018

David J. Smith  
Clerk

**CONFIDENTIAL**

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

**Judicial Complaint Nos. 11-18-90033 through 11-18-90043**

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

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IN RE: The Complaint of \_\_\_\_\_ against United States Magistrate Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, and United States District Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_, and United States Circuit Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ of the United States 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.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Magistrate Judges \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, 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”).

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

**Background**

The record shows that Complainant filed multiple lawsuits in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_ and in two related appeals. The Subject Judges were involved in those lawsuits, which were all dismissed in the district court. For example, in June 2013 Complainant filed an amended complaint against a state attorney general in which he generally took issue with various state court proceedings. The next month, Judge \_\_\_\_\_ issued a report recommending that the case be dismissed under the Rooker-Feldman and Younger doctrines. Over Complainant’s objections, Judge \_\_\_\_\_ adopted the report and recommendation and dismissed the case without prejudice.

As another example, in August 2016 Complainant filed a lawsuit against a state court judge, generally alleging that the defendant acted in the absence of jurisdiction and violated Complainant's constitutional rights. In January 2017 Judge \_\_\_\_\_ dismissed the case without prejudice for lack of subject matter jurisdiction, finding that Complainant was on notice of the defects in his complaint in light of the dismissal of prior cases he had filed. Complainant filed a notice of appeal and motions to proceed in forma pauperis (IFP) and for the appointment of counsel. In October 2017 Judge \_\_\_\_\_ denied the IFP motion, determining that Complainant had no non-frivolous arguments for purposes of the appeal, and denied the motion for appointment of counsel as moot. Complainant filed a motion for reconsideration, and in January 2018 a two-judge panel comprised of Judges \_\_\_\_\_ and \_\_\_\_\_ denied the motion. The next month, the appeal was clerically dismissed for want of prosecution.

As a third example, in September 2016 Complainant filed an amended complaint against a state court deputy clerk, generally alleging that the defendant had violated his constitutional rights. In January 2017 Judge \_\_\_\_\_ issued a report recommending that the case be dismissed under the Rooker-Feldman or Younger doctrines and because the defendant was entitled to absolute judicial immunity. Over Complainant's objections, Judge \_\_\_\_\_ adopted the report and recommendation and dismissed the case without prejudice. Complainant filed a notice of appeal and motions to proceed IFP and for the appointment of counsel. In August 2017 Judge \_\_\_\_\_ denied the IFP motion because the appeal was frivolous, and denied the motion for appointment of counsel as moot. Complainant filed a motion for reconsideration, and in October 2017 a two-judge panel comprised of Judges \_\_\_\_\_ and \_\_\_\_\_ denied the motion. After that, Complainant paid the filing fee, and a three-judge panel that included Judge \_\_\_\_\_ affirmed the dismissal of his case.

### Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant alleges that the Subject Judges treated him in a demonstrably egregious and hostile manner "because he was proceeding pro se against a judge which is deemed unpopular and politically incorrect." He alleges that the Subject Judges discriminated against him "by departing from" certain criminal statutes and the Fifth Amendment "simply because Complainant is an unpopular non-criminal politically-incorrect professionally-unworthy pro se litigant who is assumed inexperienced[,] uninformed, without rights and vulnerable to trickery." He asserts that "[s]uch conduct is an indirect underhanded surreptitious and clandestine mephistophelific [sic] retaliatory political and personal attack" on him. Complainant states that his claims:

have been investigated under different (or nonexistent) procedures than actions by professional attorneys and criminal complainants seeing that the

judges omitted the well-established standardized investigative procedures adopted by the \_\_\_\_\_ Circuit to indirectly attack the pro se Claimant; i.e., omitting the essential pleaded facts and evidence, citing some law (sometimes from non-\_\_\_\_\_ circuits which have not adopted \_\_\_\_\_ circuit procedures), then jumping to conclusions without the nexus of standardized procedural investigation.

Complainant specifically takes issue with the Subject Judges' analysis of his claims under the Rooker-Feldman, Younger, and judicial immunity doctrines, contending that they omitted analysis required by precedent and cited "irrelevant investigative procedures" from other circuits. He contends that certain cases cited by the Subject Judges had not been cited in any other case in this circuit, which shows that they acted with an improper motive. Complainant alleges that the Subject Judges violated various criminal statutes and his constitutional rights, and he seeks, among other things, a criminal investigation into the actions of the Subject Judges. Finally, he lists various cases and appeals in which he alleges the misconduct occurred.

### Supplement

Complainant's supplemental statement is comprised of his initial Complaint with certain modifications. He states that the modifications "are for clarity only and do not cha[n]ge the substance of the complaint."

### 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 Judges' official actions, findings, rulings, reports, and orders in his cases and appeals, the allegations are directly related to the merits of the Subject Judges' 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 allegations that the Subject Judges treated him in a demonstrably egregious and hostile manner, were biased or discriminated against him, acted with an illicit or improper motive, committed crimes, or otherwise 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**.



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Chief Judge