

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

**11-21-90032**

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

OCT 04 2021

CIRCUIT EXECUTIVE

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

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**ON PETITION FOR REVIEW**

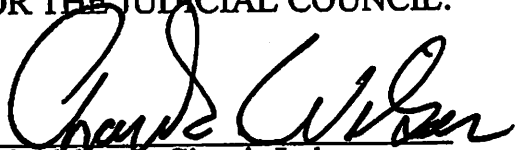
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Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges;  
COOGLER and WALKER, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on April 19, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on July 1, 2021, and the petition for review filed by petitioner on July 19, 2021. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby **AFFIRMS** the disposition of this matter by Chief Judge Pryor. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

  
United States Circuit Judge

**CONFIDENTIAL**

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

**Judicial Complaint No. 11-21-90032**

**FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT**

**JUL 01 2021**

**David J. Smith  
Clerk**

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

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IN RE: The Complaint of \_\_\_\_\_ against United States District Judge  
\_\_\_\_\_ of the United States 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 the Subject Judge was the presiding district judge in one case filed by Complainant. In that case, in February 2012 Complainant filed a civil action against various defendants, raising claims of false arrest, false imprisonment, conspiracy, and malicious abuse of process. Later, a defendant filed a motion for a more definite statement, and in August 2012 a magistrate judge granted the motion and directed Complainant to refile her complaint within 14 days.

After that, Complainant filed a request for an extension of time to, among other things, refile her complaint, and the magistrate judge granted the request, providing her until October 5, 2012 to respond. After that date, Complainant filed a brief in opposition to the motion for a more definite statement. In March 2013 the Subject Judge issued an order dismissing the complaint, finding Complainant failed to respond appropriately to the August 2012 order requiring her to refile her complaint. Complainant appealed, and in April 2014 this Court issued an opinion affirming the district court’s dismissal of her complaint.

Years later, in March 2021 Complainant filed a motion to reopen the case due to fraud on the court, generally arguing that the defendants were corrupt, engaged in fraud, and violated the United States Constitution. Later that month, the Subject Judge entered an order denying the motion, finding Complainant failed to meet the requirements for relief under Fed. R. Civ. P. 60(d)(3).

## Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant alleges the Subject Judge is “protecting” public corruption, the police, and corrupt elected officials, and she attached the motion to reopen she filed in the case and other documents to her Complaint.

## Discussion

Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, “Allegations Related to the Merits of a Decision or Procedural Ruling,” provides in part that “[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse.” The “Commentary on Rule 4” states in part:

Rule 4(b)(1) 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 authority by ensuring that the complaint procedure is not used to collaterally call into question the substance of a judge’s decision or procedural ruling. Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge — without more — is merits-related.

To the extent Complainant’s allegations concern the substance of the Subject Judge’s order denying the motion to reopen in the above-described 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 that Complainant challenges, she provides no credible facts or evidence in support of her allegations that the Subject Judge protected public corruption or corrupt officials 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**.

\_\_\_\_\_  
/s/ William H. Pryor Jr.

Chief Judge