

CONFIDENTIAL

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

Judicial Complaint No. 11-21-90048

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUL 14 2021

David J. Smith
Clerk

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against former 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.

ORDER

_____ (“Complainant”) has filed this Complaint against former 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 retired as a district judge in _____.

Background

The record shows that the Subject Judge, sitting by designation, presided over Complainant’s criminal case in the United States District Court for the _____ District of _____. In that case, a jury found Complainant guilty of multiple crimes charged in the indictment, and in January 2008 the Subject Judge sentenced him to a total term of 235 months of imprisonment.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states that in 2018 he became aware of the existence of a redacted version of the indictment from his criminal case. He asserts the Subject Judge never informed him of his intention to redact the indictment before giving it to the deliberating jury and never gave him an opportunity to be heard concerning the redacted indictment. Complainant alleges the Subject Judge took these actions “in a stealthy manner” and that his actions violated the Code of Conduct for United States Judges, 18 U.S.C. § 242, and Complainant’s constitutional rights.

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 as to the subject judge.” With respect to this rule, the “Commentary on Rule 11” states 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.”

In light of the Subject Judge’s retirement, “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**. The conclusion of this proceeding in no way implies that there is any merit to Complainant’s allegations against the Subject Judge.

/s/ William H. Pryor Jr.

Chief Judge