

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

11-21-90119

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

MAR 31 2022

CIRCUIT EXECUTIVE

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

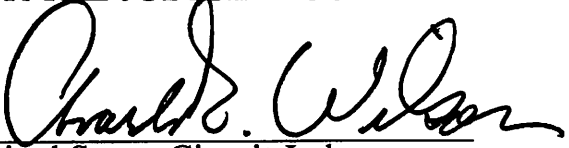
ON PETITION FOR REVIEW

Before: WILSON, BRANCH, and LAGOA, 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 October 20, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on December 17, 2021, and the petition for review filed by petitioner on January 12, 2022. 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

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

MAR 31 2022

CIRCUIT EXECUTIVE

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

11-21-90120

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

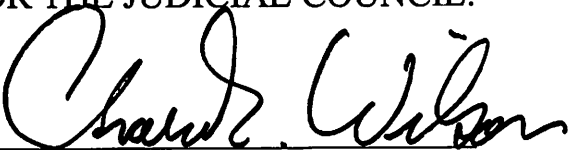
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The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

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

11-21-90121

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

MAR 31 2022

CIRCUIT EXECUTIVE

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

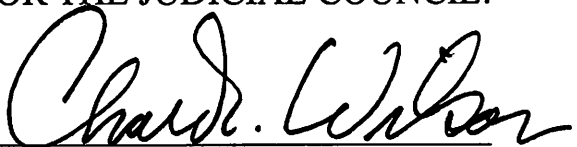
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The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

CONFIDENTIAL

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

DEC 17 2021

David J. Smith
Clerk

BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Judicial Complaint Nos. 11-21-90119 through 11-21-90121

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against 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.

ORDER

_____ (“Complainant”) has filed this Complaint against 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”).

Background

The record shows that in January 2019 Complainant filed a civil rights action against multiple defendants. In June 2019 a district judge entered an order granting motions to dismiss that certain defendants had filed, and Complainant filed a notice of appeal. Complainant later filed notices of appeal as to orders denying a motion for judgment on the pleadings and denying a construed motion for reconsideration.

The district court granted Complainant leave to proceed *in forma pauperis* (IFP) in Appeal No. _____, and in that appeal, he filed two “Affidavits.” In October 2021 a panel composed of the Subject Judges issued an order construing the affidavits as motions for a default judgment and denying the construed motions. Complainant’s other appeals were clerically dismissed for want of prosecution after his motions to proceed IFP were denied.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant asserts the Subject Judges: (1) are “foreign principal agents” and “are acting under wrongfully assumed Powers and Authority and under pretense and colors of Office, Laws, and Title,” in violation of 18 U.S.C. § 1001(a); (2) violated his “Schedule Of Fees”; (3) knowingly and willfully concealed or covered up material facts to defraud him; and (4) issued a

fraudulent, null, and void order in October 2021 that contained no support or valid reasoning giving them the authority to deny his affidavits. He also contends fraud occurred when two of his appeals were dismissed for want of prosecution while the other appeal was not, and he takes issue with the actions of an individual who is not one of the Subject Judges.

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 Judges’ October 2021 order in Appeal No. _____, 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 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