

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

11-21-90124

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

MAR 02 2022

CIRCUIT EXECUTIVE

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

ON PETITION FOR REVIEW

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 October 26, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on December 23, 2021, and the petition for review filed by petitioner on January 6, 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

CONFIDENTIAL

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

Judicial Complaint No. 11-21-90124

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

DEC 23 2021

David J. Smith
Clerk

IN THE MATTER OF A COMPLAINT FILED BY _____

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.

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 in October 2021 Complainant filed a civil rights complaint against multiple defendants and an “Affidavit of Financial Statement.” On October 14, 2021, the Subject Judge issued: (1) an order directing Complainant to pay the filing fee or file a motion to proceed *in forma pauperis* (IFP); and (2) an “Order Providing Instruction to *Pro Se* Litigant.” In late October 2021 the Subject Judge issued an order dismissing the case without prejudice due to Complainant’s failure to pay the filing fee or move to proceed IFP.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states the Subject Judge addressed her October 14, 2021, order to pro se litigants, when he clearly stated he was “In Propria Persona.” He notes the order stated he could be sanctioned for failure to comply with the rules, and he asserts he cannot be sanctioned for exercising his constitutional rights and that he has a right to be heard. Complainant then states that he: (1) “do[es] not feel comfortable” with the Subject Judge in his case; (2) does not waive any of his rights; and (3) never identified certain individuals as defendants. He attached documents to his Complaint.

Discussion

Complainant provides no credible facts or evidence in support of a claim that the Subject Judge engaged in misconduct.

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 that reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(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