

JAN 18 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-21-90144 and 11-21-90145

IN THE MATTER OF A COMPLAINT FILED BY:

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IN RE: The Complaint of \_\_\_\_\_ against United States Magistrate Judge \_\_\_\_\_ and United States District Judge \_\_\_\_\_ of the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_, under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Magistrate Judge \_\_\_\_\_ and United States District Judge \_\_\_\_\_ (collectively, “the Subject Judges”), under the Act, 28 U.S.C. § 351(a), and the Rules for Judicial-Conduct and

Judicial-Disability Proceedings of the Judicial Conference of the United States (“Judicial-Conduct Rules”).

### **Background**

The record shows that in May 2021 Complainant filed a *pro se* civil complaint against multiple defendants, and she filed an amended complaint a few months later. In August 2021 Complainant filed a motion alleging that (1) a defendant had entered her husband’s “business with a child stating she needed the child’s hair cut”; (2) while there, the defendant asked about Complainant; and (3) the court should direct the defendant not to visit her husband’s business.

Judge █████ issued an order striking the motion as facially deficient. In the order, Judge █████ stated that Complainant alleged a defendant “and her child visited [Complainant’s] husband’s barbershop.” Judge █████ also permitted Complainant to file a second amended complaint, stating, “If a complaint reasonably can be read to state a valid claim on which the plaintiff could prevail, a court should do so despite the plaintiff’s failure to cite proper legal authority, her confusion of various legal theories, her poor syntax and sentence construction, or her unfamiliarity with pleading requirements.”

In September 2021 Complainant filed a second amended complaint and a motion for change of venue. Judge █████ denied the motion for change of venue, noting that venue was proper in the district and that Complainant did not specify the venue to

which she sought to transfer the case. In October 2021 Complainant filed a second motion for change of venue in which she alleged Judge [REDACTED] was biased and that there was conflict of interest between Judge [REDACTED] and a state court judge. Judge [REDACTED] denied the motion on the ground that Complainant failed to meet her burden to show that the other district was a more convenient forum for the case.

In December 2021 Complainant filed a motion to disqualify the Subject Judges, arguing in part that (1) the Subject Judges were biased; (2) Judge [REDACTED] was part of a certain organization and had a “history of opposing Civil Rights organizations”; and (3) Judge [REDACTED] had a conflict of interest because one of his previous law clerks used to work at the law firm representing the defendants. The Subject Judges each entered an order denying the motion to recuse as to the judge individually. There continues to be activity in the case.

### **Complaint**

Complainant alleges Judge [REDACTED] sought to silence her and criticized her grammar, syntax, and lack of legal knowledge despite that she was a *pro se* litigant. She notes Judge [REDACTED] denied her motion for a restraining order and states she became suspicious he had communicated with one of the defendants or their attorney because he referred to her husband’s “barbershop,” when she never mentioned that term, and referred to “her child,” when she never said the child belonged to the defendant.

Complainant contends that Judge ██████ denied various motions, including a motion to change venue, even though she provided information concerning a conflict of interest, and she complains that Judge ██████ “dismissed [her] assertion of a conflict of interest and an allegation that he is biased.” She also contends that Judge ██████ has a conflict and an “obvious bias” because Judge ██████ previous law clerk had worked at the law firm currently representing the defendants and the law clerk had written an article about Judge ██████. Complainant then states that Judge ██████ is a member of an organization that, “in [her] opinion,” seeks to restrict voting rights. Finally, she states she is making a request for public records pursuant to a state statute, and she attached documents to her Complaint.

### **Discussion**

Judicial-Conduct Rule 4(b)(1) 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 explains the rationale for this rule as follows:

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’ official actions, findings, rulings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that Judge [REDACTED] treated her in a demonstrably egregious and hostile manner, engaged in improper *ex parte* communications, or had a conflict of interest, or that the Subject Judges were biased or otherwise engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” under Judicial-Conduct Rule 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,” under Judicial-Conduct Rule 11(c)(1)(D). For those reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge