

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

11-22-90002

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

APR 20 2022

CIRCUIT EXECUTIVE

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

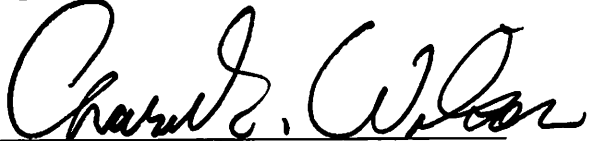
ON PETITION FOR REVIEW

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 January 12, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on February 9, 2022, and the petition for review filed by petitioner on February 22, 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

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FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

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

11-22-90004

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JUDICIAL COUNCIL

APR 20 2022

CIRCUIT EXECUTIVE

**IN RE: COMPLAINT OF JUDICIAL
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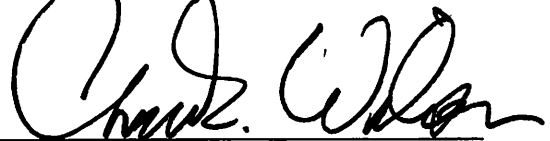
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The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

FEB 9 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-22-90002 through 11-22-90004

IN THE MATTER OF A COMPLAINT FILED BY:

IN RE: The Complaint of _____ against United States Magistrate Judge _____ and United States District Judges _____ and _____ 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.

ORDER

_____ (“Complainant”) has filed this Complaint against United States Magistrate Judge _____ and United States District Judges _____ and _____ (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 the Subject Judges have been assigned to multiple cases Complainant filed in the United States District Court for the _____ District of _____. For example, in August 2020 Complainant filed a civil action against multiple defendants, generally alleged he was being endangered at his place of incarceration. The next month, Judge _____ issued a report recommending that the complaint be dismissed under 28 U.S.C. § 1915(g), and Judge _____ adopted the report and recommendation and dismissed the case.

Complaint

Complainant states he filed numerous complaints with the Subject Judges due to the misconduct of prison officials and the Subject Judges “failed to report the cause to the proper authorities and did not entertain the federal complaints.” He alleges the Subject Judges violated their oaths of office by failing to report crimes, covered up crimes, and breached their duties by failing to act “as the law obligated them to.” He also contends the Subject Judge disregarded his complaints because he was indigent and he requests that they be charged with crimes and that their authority to hear cases be stayed.

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, reports, and orders in the Complainant’s cases, 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 the Subject Judges violated their oaths of office, were not impartial, committed or covered up crimes, 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