

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 24 2023

CIRCUIT EXECUTIVE

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

11-22-90029

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

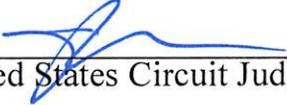
ON PETITION FOR REVIEW

Before: JILL PRYOR, LUCK, and LAGOA, Circuit Judges; ALTONAGA and BATTEN, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on March 14, 2022, the order of Acting Chief United States Circuit Judge Adalberto Jordan filed on April 29, 2022, and the petition for review filed by petitioner on May 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 Acting Chief Judge Jordan. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 24 2023

CIRCUIT EXECUTIVE

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

11-22-90030

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

ON PETITION FOR REVIEW

Before: JILL PRYOR, LUCK, and LAGOA, Circuit Judges; ALTONAGA and BATTEN, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on March 14, 2022, the order of Acting Chief United States Circuit Judge Adalberto Jordan filed on April 29, 2022, and the petition for review filed by petitioner on May 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 Acting Chief Judge Jordan. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL
JAN 24 2023
CIRCUIT EXECUTIVE

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

11-22-90031

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

ON PETITION FOR REVIEW

Before: JILL PRYOR, LUCK, and LAGOA, Circuit Judges; ALTONAGA and BATTEN, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on March 14, 2022, the order of Acting Chief United States Circuit Judge Adalberto Jordan filed on April 29, 2022, and the petition for review filed by petitioner on May 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 Acting Chief Judge Jordan. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 24 2023

CIRCUIT EXECUTIVE

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

11-22-90032

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

ON PETITION FOR REVIEW

Before: JILL PRYOR, LUCK, and LAGOA, Circuit Judges; ALTONAGA and BATTEN, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on March 14, 2022, the order of Acting Chief United States Circuit Judge Adalberto Jordan filed on April 29, 2022, and the petition for review filed by petitioner on May 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 Acting Chief Judge Jordan. The petition for review is DENIED.

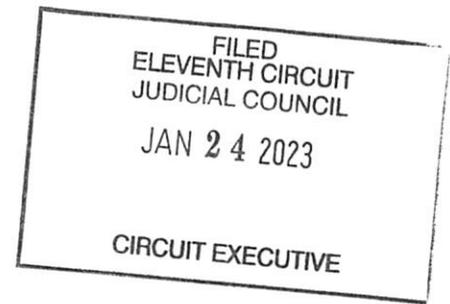
FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

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

11-22-90033



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

ON PETITION FOR REVIEW

Before: JILL PRYOR, LUCK, and LAGOA, Circuit Judges; ALTONAGA and BATTEN, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on March 14, 2022, the order of Acting Chief United States Circuit Judge Adalberto Jordan filed on April 29, 2022, and the petition for review filed by petitioner on May 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 Acting Chief Judge Jordan. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 24 2023

CIRCUIT EXECUTIVE

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

11-22-90034

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

ON PETITION FOR REVIEW

Before: JILL PRYOR, LUCK, and LAGOA, Circuit Judges; ALTONAGA and BATTEN, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on March 14, 2022, the order of Acting Chief United States Circuit Judge Adalberto Jordan filed on April 29, 2022, and the petition for review filed by petitioner on May 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 Acting Chief Judge Jordan. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

APR 29 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Acting Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-22-90029 through 11-22-90034

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, United
States District Judge _____ of the United States District Court
for the _____ District of _____, 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.

ORDER

_____ (“Complainant”) has filed this Complaint against
United States Circuit Judges _____, _____, _____, and

_____, 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 in September 2021 Complainant filed a Complaint of Judicial Misconduct or Disability against a district judge who is not one of the Subject Judges, Complaint No. _____. In November 2021 Judge _____ dismissed the complaint as merits-related and based on allegations lacking sufficient evidence. Complainant filed a petition for review, and in March 2022 the Judicial Council Review Panel, composed of Judges _____, _____, _____, _____, and _____, affirmed the dismissal of the complaint and denied the petition for review. The complaint matter is closed.

Complaint

Complainant alleges the Subject Judges violated Canon 2 of the Code of Conduct for United States Judges, which states in part that a judge should avoid impropriety and the appearance of impropriety in all activities, should respect and comply with the law, and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. He also states, “Please don’t be against deaf people (ADA) in the future.

When judges take an oath, they must comply with the laws.” He then cites to Complaint No. _____.

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.

In addition, the “Commentary on Rule 4” provides:

The phrase “decision or procedural ruling” is not limited to rulings issued in deciding Article III cases or controversies. Thus, a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related — in other words, as challenging the substance of the judge’s administrative

determination to dismiss the complaint — even though it does not concern the judge’s rulings in Article III litigation.

To the extent Complainant’s allegations concern the substance of Judge _____ order dismissing Complaint No. _____ and the remaining Subject Judges’ order affirming the dismissal of that complaint, 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 claims that the Subject Judges violated the Code of Conduct for United States Judges 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/ Adalberto Jordan
Acting Chief Judge