

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 24 2023

CIRCUIT EXECUTIVE

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

11-22-90055

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

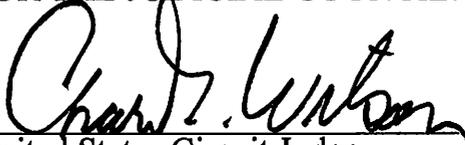
ON PETITION FOR REVIEW

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 April 22, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on June 1, 2022, and the petition for review filed by petitioner on July 13, 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

JAN 24 2023

CIRCUIT EXECUTIVE

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

11-22-90056

**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 April 22, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on June 1, 2022, and the petition for review filed by petitioner on July 13, 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

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

11-22-90057

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JAN 24 2023

CIRCUIT EXECUTIVE

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

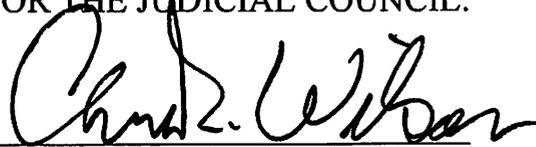
ON PETITION FOR REVIEW

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 April 22, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on June 1, 2022, and the petition for review filed by petitioner on July 13, 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

JAN 24 2023

CIRCUIT EXECUTIVE

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

11-22-90058

**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 April 22, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on June 1, 2022, and the petition for review filed by petitioner on July 13, 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

JUN 01 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-22-90055 through 11-22-90058

IN THE MATTER OF A COMPLAINT FILED BY:

IN RE: The Complaint of _____ against 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 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 April 2020 Complainant filed a civil complaint against _____ and other defendants, alleging in part that the defendants conspired with _____ to defame, intimidate, coerce, and threaten him. Also in April 2020 Judge _____ issued an order finding the complaint was a shotgun pleading and directing Complainant to file an amended complaint. The order began by stating that Complainant “was upset when _____ called him ‘incompetent’ on national television.” After that, Complainant filed a notice of voluntary dismissal, and Judge _____ dismissed the case.

The record shows that in April 2020 Complainant filed in state court a complaint against _____, _____, and other defendants raising defamation claims, and certain defendants removed the case to federal court in September 2020. After various proceedings, a district judge who is not one of the Subject Judges dismissed the complaint as a shotgun pleading and gave Complainant an opportunity to move to amend the complaint. The case was then reassigned to Judge _____.

In December 2020 Complainant filed a motion for leave to amend his complaint and a proposed amended complaint. In March 2022 Judge _____ issued an order denying the motion for leave to amend and dismissing the case with prejudice, finding that

amendment was futile because the proposed amended complaint constituted a shotgun pleading. Judge _____ noted that, in the earlier case, Judge _____ held that Complainant's complaint, which was substantially identical to the proposed amended complaint, constituted a shotgun pleading. Complainant filed a motion for reconsideration, which Judge _____ denied.

The record shows that in August 2020 Complainant filed in state court a civil complaint on behalf of his client, _____, raising claims of defamation against _____, _____ Chief Executive Officer _____, and other defendants, and asserting that the defendants conspired to defame him at the direction of _____. Certain defendants then removed the case to federal court and filed a motion to dismiss the complaint. In February 2021 Judge _____ entered an order granting the motion to dismiss and dismissing the case with prejudice, finding in part that _____ failed to plausibly plead certain elements of his claims and that amending the complaint would be futile.

The record shows that in January 2022 Complainant filed in state court a civil complaint against three defendants, stating he was seeking less than \$75,000 in damages, and the next month, the defendants removed the case to federal court. The defendants then filed a motion to transfer the case to a different district court, and Complainant filed a motion to remand in which he argued the court did not have subject-matter jurisdiction because the amount in controversy did not exceed \$75,000. In March 2022 Judge _____ granted the defendants' motion to transfer and

transferred the case to another district court. On the same day, Judge _____ issued an order denying Complainant’s motion to remand, finding in part that Complainant had engaged in “bad faith and gamesmanship for the purpose of avoiding federal jurisdiction.” Complainant filed a motion for reconsideration, which Judge _____ denied. He also filed a notice of appeal, and in May 2022 this Court dismissed the appeal for lack of jurisdiction.

Complaint

Complainant first states that _____ and _____ tout themselves as former United States President _____ “gatekeepers,” particularly in “_____ where they reside and where _____ now resides.” He states, “Those who want appointments, favors and other perks from _____ have characteristically had to go through _____ and _____.” Complainant then requests an investigation “into the likely involvement of _____ in recommending federal judgeships to _____ . . . and to also ascertain if ‘incentives’ were offered to _____ to recommend potential judicial nominees.” He states the investigation “must also entail determining whether the federal judges _____ played a role in having appointed by _____ effectively returned the ‘favor’ in cases which I filed concerning illegal conduct by _____, on behalf of myself and my client _____.”

Complainant asserts that the Subject Judges “likely used _____ as a conduit to _____ to influence and obtain their nomination to a federal judgeship,” noting that furthering their nomination with the assistance of _____ “would not be

unethical in and of itself.” However, Complainant contends that in a “number of cases,” Judges _____, _____, and _____ issued rulings that “reflected possible pay back to _____” for his assistance in obtaining their judgeships. Complainant states that, “[i]mportantly,” two of the Subject Judges “would not respond” to his inquiries as to whether they had contact or involvement with _____.

Complainant then contends that Judge _____ “issued a bizarre gratuitous *sua sponte* ruling mocking and disparaging” him, “which tellingly issued strangely shortly after” he filed the complaint and before it had been served. He states the order “downplayed and mocked” him by stating he “was upset” that _____ called him incompetent on national television, which was “in contrast to the serious defamatory published statements” alleged in his complaint. Complainant states that Judge _____ “rank bias” caused him to voluntarily dismiss his complaint because it was “apparent” Judge _____ was “seeking to protect _____.” He states he twice asked Judge _____ about his “likely apparent involvement with _____,” and that Judge _____ “predictably failed to respond.”

Complainant alleges that in her order denying his motion to amend his complaint, Judge _____ downplayed his allegations and mocked him by stating his proposed amended complaint was a shotgun pleading and was littered with personal insults that had no meaningful connection to the proposed claims. He contends that Judge _____ determination that amending the complaint

would be futile was “not supported by any substantive reasoning” other than her dislike of the “background allegations about _____.” Complainant states Judge _____ used Judge _____ order “as a bogus reason to dismiss” his complaint. He states he twice asked Judge _____ to disclose if she had any involvement with _____, “but like Judge _____ she refused to respond, creating more than a presumption that my concerns are real with regard to the both of them.”

Next, Complainant alleges that Judge _____ dismissed _____ case “on non-meritorious grounds,” “usurped the fact-finding role of the jury,” ignored the “correct standard of pleading under Fed. R. Civ. P. 8(a),” ignored certain factual allegations, and ignored law on liability. Complainant asserts that Judge _____ ignored the plain language of the statute on diversity jurisdiction because Complainant made it clear he was not seeking damages in excess of \$75,000.

Complainant states it is notable that the Subject Judges are “housed in the same courthouse,” and he contends the Subject Judges violated multiple canons of the Code of Conduct for United States Judges. Complainant then again requests a “thorough investigation of _____ likely involvement with these _____ judicial appointees,” contending such an investigation is “crucial” to ensure the judiciary remains impartial. He attached documents to his 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, rulings, findings, and orders in the above-described 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 were biased, used their office to obtain special treatment for others, treated him in a demonstrably egregious and hostile manner, 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/ William H. Pryor Jr.
Chief Judge