

JUL 29 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-22-90090

ORDER

An individual has filed a Complaint against a United States district judge under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States.

Background

The record shows that in April 2022 Complainant filed a civil action against multiple defendants in which she raised allegations of treason and referred to a “‘Jew’ US Attorney” who was a member of a “criminal cult.” She then filed a motion for leave to proceed *in forma pauperis* (IFP). Also in April 2022 the Subject Judge entered an order granting the IFP motion and dismissing the case with prejudice for failure to state a claim on which relief could be granted and as frivolous. In the order, the Subject Judge stated that

Complainant “expresses what appears to be some sort of antisemitic rant” and that her allegations were “fantastic or delusional.”

Complaint

Complainant alleges the Subject Judge prematurely dismissed her case “after attacking the ‘contours’ of the allegations,” and she generally takes issue with the Subject Judge’s findings in the dismissal order. Complainant also states, “He accuses me of being an anti semite . . . and seems to question my sanity,” and, “I do not believe you can force people to recognize (or even respect) a water down [sic] (or unorthodox) version of a well known religion.”

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 Judge’s official actions, findings, and order in the above-described case, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge made inappropriate statements 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