

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90104

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90105

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 2022. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

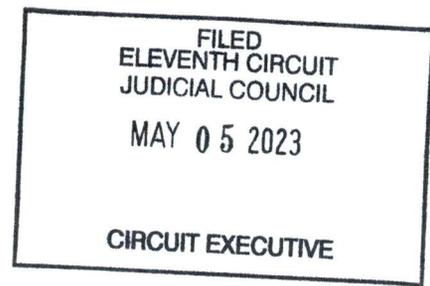
The Judicial Council Review Panel hereby **AFFIRMS** the disposition of this matter by Acting Chief Judge Wilson. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

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

11-22-90106



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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90107

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90108

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90109

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90110

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90111

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90112

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90113

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

ON PETITION FOR REVIEW

Before: ROSENBAUM, JILL PRYOR, 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 August 18, 2022, the order of Acting Chief United States Circuit Judge Charles R. Wilson filed on September 30, 2022, and the petition for review filed by petitioner on November 7, 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 Wilson. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

SEP 30 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Acting Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-22-90104 through 11-22-90113

ORDER

An individual has filed a Complaint against two United States district judges, seven United States circuit judges, and one retired United States circuit 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. Complainant also named another district judge as a subject judge, but no number was assigned to that judge because he is deceased. *See* Judicial-Conduct Rule 8(c) (“If the circuit clerk receives a complaint about a person not holding an office described in Rule 1(b), the clerk must not accept the complaint under these Rules.”).

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statement is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record shows that in December 2000, Complainant filed an employment discrimination action against two defendants, including a certain corporation, and he later filed an amended complaint. The case proceeded to trial before a judge who is not one of the Subject Judges, and in November 2003, a jury issued a verdict in Complainant's favor on a retaliation claim. In March 2004 the district judge entered an order granting a motion for judgment as a matter of law that a defendant had filed and set aside the jury's verdict.

In July 2013 the first Subject District Judge entered an order in the case that denied a certain motion Complainant had filed. Beginning in October 2013, the second Subject District Judge issued orders in the case, and the second Subject District Judge became the assigned district judge in June 2014. The second Subject District Judge then entered various orders in the case, most recently in April 2022. The record also shows that Complainant filed multiple appeals in the case, and that the Subject Circuit Judges were involved in many of those appeals.

Complaint

Complainant alleges the Subject Judges "had a financial conflict of interest with stock shares they had with" the corporation involved in the above-described case and appeals "and did not disclose that fact." He states the Subject Judges and/or their families had a financial interest in the corporation and were "shareholders

in their stock.” Complainant then states that the corporation “operates their business in an agreement with a syndicate of banks for a revolving credit facility, which [the corporation] can borrow and repay funds when they choose, up to the credit limit.” He states that certain banks had loaned the corporation money, and one bank was “the Administrative Agent and the go between for the companies and syndicate of banks during some of these dealings.”

Complainant asserts the Subject District Judges and some of the Subject Circuit Judges had an interest in a bank and other companies that provided funding or invested in the corporation. He states that all the judges who participated in his case and appeals should have known that the corporation’s “group stocks are owned by institutional investors (banks, mutual funds, private equity firms, etc.),” and that over 500 companies invested in the corporation. He then states that the Subject Judges’ individual holdings in certain banks and other entities created a financial conflict of interest, and he attached Financial Disclosure Reports to his Complaint. None of the financial disclosure reports show that any of the Subject Judges had an ownership interest or received income from the corporation at issue.

Supplement

In his supplemental statement, Complainant requests that his Complaint be filed against the deceased judge.¹

¹ Complainant’s request is DENIED. *See* Judicial-Conduct Rule 8(c).

Discussion

Retired Subject Circuit Judge

Judicial-Conduct Rule 11(e) states, “The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot or make remedial action impossible as to the subject judge.” The “Commentary on Rule 11” states in part, “Rule 11(e) implements Section 352(b)(2) of the Act, which permits the chief judge to ‘conclude the proceeding,’ if ‘action on the complaint is no longer necessary because of intervening events,’ such as a resignation from judicial office.”

To the extent the Complaint concerns the retired Subject Circuit Judge, “intervening events render some or all of the allegations moot or make remedial action impossible.” Judicial-Conduct Rule 11(e). For that reason, this Complaint proceeding is **CONCLUDED** to the extent it concerns the retired judge. The conclusion of this proceeding in part in no way implies that there is any merit to Complainant’s allegations against the retired Subject Circuit Judge.

Remaining Subject Judges

Judicial-Conduct Rule 4(a)(1)(F) states that cognizable misconduct includes “violating rules or standards pertaining to restrictions on outside income or knowingly violating requirements for financial disclosure.”

Canon 3C of the *Code of Conduct for United States Judges* provides in part:

C. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:

* * * *

(c) the judge knows that the judge, individually or as a fiduciary, or the judge's spouse or minor child residing in the judge's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;

* * * *

(3) For the purposes of this section:

* * * *

(c) "financial interest" means ownership of a legal or equitable interest, however small, . . . except that:

(i) ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(iii) the proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a “financial interest” in the organization only if the outcome of the proceeding could substantially affect the value of the interest[.]

Guide to Judiciary Policy, Vol. 2A, Ch. 2, Canon 3C.

Section 455(b)(4) of Title 28 of the United States Code states that a judge of the United States shall disqualify himself when he “knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.” “Financial interest” means “ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party.” 28 U.S.C. § 455(d)(4).

To the extent the Complaint concerns the remaining Subject Judges, Complainant’s claims are based on allegations lacking sufficient evidence to raise an inference that those judges or their families had a financial conflict of interest in the above-described proceedings. None of the financial disclosure reports Complainant provided indicate that the Subject Judges had a financial interest in

the corporation involved in Complainant's employment discrimination case or any other interest that could be affected substantially by the outcome of the proceedings. Complainant has not provided any authority showing that ownership of stock in a bank that loaned money to or invested in the corporation equates to having a financial interest in that corporation.

To the extent the Complaint concerns the remaining Subject Judges, the Complaint "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists." Judicial-Conduct Rule 11(c)(1)(D). For that reason, this Complaint is **DISMISSED** to the extent it concerns the remaining Subject Judges.

/s/ Charles R. Wilson
Acting Chief Judge