

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

JAN 24 2023

CIRCUIT EXECUTIVE

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

**11-22-90115**

**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 August 19, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on September 1, 2022, and the petition for review filed by petitioner on September 12, 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

SEP 01 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

---

Judicial Complaint No. 11-22-90115

---

**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 October 2020 Complainant filed an employment discrimination lawsuit against one defendant. He then filed multiple motions seeking various types of relief, and the defendant filed a motion to dismiss. In August 2021 the Subject Judge entered an order granting the motion to dismiss and dismissing the action with prejudice as frivolous. The Subject Judge also imposed a prefiling injunction on Complainant given his “incessant and frivolous litigation.” Complainant has filed an appeal.

The record shows that in March 2022 Complainant filed a Federal Tort Claims Act action against the United States, raising claims pertaining to the denial of medical care. He then filed multiple motions seeking various types of relief, including a motion to disqualify the Subject Judge and the assigned magistrate judge and two motions for summary judgment, and the Subject Judge entered orders denying the motions. In May 2022 the defendant filed a motion to dismiss the case.

In August 2022 a district judge who is not the Subject Judge issued an order granting the defendant's motion to dismiss, finding Complainant's claims violated the prefiling injunction issued against him. The district judge also modified the language of the prefiling injunction to clarify its scope going forward. Complainant filed a notice of appeal.

The record also shows that in April 2022 Complainant filed a civil rights action against multiple defendants. A district judge then issued an order transferring the case to the Subject Judge for all further proceedings pursuant to a local rule. The Subject Judge then issued several orders in the case. In August 2022 the defendants filed a motion to dismiss the case, and Complainant filed a response in opposition.

In August 2022 a district judge who is not the Subject Judge entered an order granting the defendants' motion to dismiss, finding that Complainant's claims violated the prefiling injunction. Complainant filed a motion for relief from judgment or order,

which was stricken per the prior dismissal order. Complainant filed a notice of appeal.

### **Complaint**

Complainant alleges that the Subject Judge was aware that the other district judge fraudulently dismissed two of his cases in violation of Canon 3A(2) of the *Code of Conduct for United States Judges*, and that the Subject Judge committed misconduct by failing to report the other judge's misconduct. He also states the Subject Judge allowed the district judge to commit fraud on the court by allowing him to strike Complainant's motions "based on his illegal modification of a pre-filing injunction that was issued by the Subject Judge . . . ." Finally, he states the Subject Judge was aware that he filed a judicial complaint against the other district judge alleging retaliation. He attached documents to his Complaint.

### **Discussion**

Complainant's claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge failed to report another judge's misconduct, allowed another judge to commit fraud, or otherwise engaged in misconduct. *See Dietz v. Bouldin*, 136 S. Ct. 1885, 1891 (2016) ("[T]his Court has long recognized that a district court possesses inherent powers that are governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." (quotation omitted)); *United States v. Stone*, 411 F.2d 597, 598-99 (5th Cir. 1969) ("District judges

may by rule, order or consent transfer cases between themselves. Each judge of a multi-district court has the same power and authority as each other judge. Moreover, District Judges have the inherent power to transfer cases from one to another for the expeditious administration of justice.” (citations omitted)).

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 that reason, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge