

OCT 28 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-22-90134

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**ORDER**

An individual has filed a Complaint against a United States bankruptcy 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.

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

**Background**

The record shows that in August 2021, Complainant filed a counseled voluntary petition for Chapter 7 bankruptcy, and the next month a trustee was appointed. The trustee then applied to appoint counsel to represent the trustee, and the Subject Judge entered an order approving the employment of counsel. After

Complainant's attorney withdrew from the case, Complainant filed a *pro se* motion to convert the case to a Chapter 13 case, and the Subject Judge granted the motion.

In October 2021, the trustee's counsel filed an application for compensation, and Complainant filed objections to the application, contending most of the charges should not have been billed. On the same day Complainant filed her objections, counsel filed, among other things, a notice of appearance, objections to confirmation of the Chapter 13 plan, and a motion to compel Complainant to file monthly reports on the status of pending litigation. Complainant then filed a motion for temporary injunctive relief against counsel, alleging he "commenced revenge taking" against her because she objected to his improper charges. Afterward, both Complainant and the trustee's counsel filed numerous documents seeking various types of relief. Complainant's filings included a motion seeking the Subject Judge's recusal in which she alleged the Subject Judge had shown deliberate indifference to counsel's unlawful conduct in the case.

In December 2021, the Subject Judge entered a *sua sponte* order directing the parties to cease submitting repetitive and duplicative filings, noting the large volume and number of documents filed and the "malicious and vicious content" in those filings. In January 2022, the Subject Judge issued an order denying Complainant's motions seeking her recusal or disqualification. On the same day, the Subject Judge issued an order finding Complainant

continued to file repetitive documents and stating the court would summarily rule on motions when appropriate.

In February 2022, the Subject Judge issued an opinion and order finding sanctions were appropriate against Complainant under Federal Rule of Bankruptcy 9011 and the court's inherent authority because, among other things, Complainant had made malicious accusations against the Subject Judge, counsel, and others, she had not provided any evidence in support of her allegations, her filings were objectively frivolous and were made for improper purposes, and she had engaged in "relentless harassment." The order directed in part that Complainant's future filings must comply with certain guidelines. The Subject Judge later entered an order confirming Complainant's Chapter 13 plan.

In August 2022, Complainant filed a Motion to Disqualify the Subject Judge in which she alleged that the Subject Judge required her to produce paper copies of documents that she could not afford to make, "bent the rules to make production as costly and difficult as possible," "demonstrated a level of hostility toward [her] that was shocking" by implying at a hearing that she "deserved whatever problems that [counsel] is creating for her since she was the one who sued him" when that lawsuit had been dismissed, "wrongfully claimed jurisdiction" over a matter pending in the district court, refused to rule on Complainant's objection to payment of the trustee's counsel's invoice and other motions relating to that invoice, exhibited a "clear bias" in favor of counsel, made false statements about Complainant, "aided and abetted

[counsel's] ongoing harassment and revenge taking," "shield[ed]" counsel from consequences of his overbilling because he has been involved in multiple cases before the Subject Judge, obstructed justice, exhibited "an intent to harm, harass, and undermine" her rights, and knowingly violated the Code of Conduct for United States Judges and her oath of office.

The Subject Judge issued a "Notice and Order on Motion to Disqualify," directing Complainant to produce any documents, evidence, or other form of proof of her allegations by a certain date. On the same day, the Subject Judge approved the trustee's counsel's fee application for a certain amount. Later in August 2022, Complainant filed a "Response to Order on Motion to Recuse," alleging in part that the Subject Judge abused her authority and discretion, regularly used "rude, demeaning and condescending speech toward" Complainant, was biased against her and in favor of counsel, harassed and threatened her, lied, and exhibited "blatant cronyism." Complainant also filed an amended response and a second amended response raising similar allegations. In September 2022, the Subject Judge entered an order denying the Motion to Disqualify and other motions Complainant had filed, finding Complainant failed to provide any evidence or proof in support of her allegations. Complainant filed a motion for reconsideration, which the Subject Judge denied. There continues to be activity in the case.

## **Complaint**

Complainant states her Complaint concerns “ongoing violations of the Judicial Code of Conduct as described” in documents she attached. She attached a February 2022 Motion to Disqualify in which she alleged the Subject Judge “targeted [her] with false accusations of wrong doing,” made derogatory and malicious statements concerning Complainant’s apparent inability to attend a hearing, and had an “overt bias.” Complainant also attached her August 2022 second amended response to the order directing her to provide evidence in support of her Motion to Disqualify in which she makes various allegations against the Subject Judge.

## **Supplement**

In her supplemental statement, Complainant asserts that the Subject Judge’s statements at a September 2022 hearing “were a series of lies” and that she already had signed the order denying the Motion to Disqualify but had not filed it. Complainant also asserts the Subject Judge gave “no cogent reason” for denying the August 2022 Motion to Disqualify, and that “she resort[ed] to lying about herself and her actions” in the order denying the motion. Complainant attached the Subject Judge’s September 2022 order denying the Motion to Disqualify and other motions, as well as a transcript of a September 2022 hearing where the Subject Judge stated she was not comfortable ruling on multiple motions because the motion for disqualification remained pending.

## 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.

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, rulings, findings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge acted with an illicit or improper motive, was biased, treated Complainant in a demonstrably egregious and hostile manner, lied, violated her oath of office,

violated the Code of Conduct for United States Judges, obstructed justice, used her office to obtain special treatment for others, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge