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David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-22-90146 and 11-22-90147

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**ORDER**

An individual has filed a Complaint against a retired United States magistrate judge and a current 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 2011 a federal grand jury issued an indictment charging Complainant with two counts each of false statement in bankruptcy and bankruptcy fraud, and the Subject Judges were assigned to the case. The indictment listed multiple aliases for Complainant. In February 2012, a “Consent to Transfer of Case for Plea and Sentence” was filed, stating that Complainant had been charged with one count of bankruptcy fraud in a

different district, wished to plead guilty to the offense, and consented to the transfer of the case to the Subject Judges' district.

Complainant later pleaded guilty pursuant to written plea agreements to one count of bankruptcy fraud and one count of false statements in bankruptcy. In September 2012, the Subject District Judge sentenced her to a total term of 28 months of imprisonment and recommended that she receive credit for a certain amount of time served. Complainant appealed, and this Court later affirmed her convictions and sentences. Afterward, Complainant filed in the district court, among other things, a motion to discharge restitution.

The record also shows that in January 2022 Complainant filed a complaint for violation of civil rights, which was docketed as a petition for writ of habeas corpus, 28 U.S.C. § 2241, and she later filed a motion seeking in part to dismiss her criminal case due to fraud. In April 2022, the Subject District Judge entered an order dismissing the case due to Complainant's failure to comply with court orders, denying her motion as moot, and denying other motions she had filed in her criminal case, including the motion to discharge restitution.

### **Complaint**

Complainant generally takes issue with her criminal prosecution, alleging the government charged her under aliases that were not hers, added charges to pressure her to plead guilty, committed fraud, and kidnapped and tortured her. She takes issue with

the treatment she received while incarcerated and asserts that she was sent to a certain place of incarceration to prevent her from contacting her attorney and others. Complainant then alleges that the Subject District Judge violated her constitutional rights, ignored documents and evidence, “called [her] all the names in the book,” sentenced her to “28 months instead of the promised probation,” “called [her] real estate bank and told them to take [her] house and everything in it,” violated the law by informing the government they did not have to prove the amount of restitution, and “shelter[ed]” the government. Complainant also alleges the Subject Magistrate Judge stated she must plead guilty or she would “rot in jail.” She takes issue with the actions of individuals other than the Subject Judges, and she attached documents to her Complaint.

### **Discussion**

#### **The Subject Magistrate 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 Subject Judge Magistrate Judge, the intervening event of the judge’s retirement render 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 Subject Magistrate Judge. The conclusion of this proceeding in part in no way implies that there is any merit to Complainant’s allegations against the Subject Magistrate Judge.

### **The Subject District Judge**

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 the Complaint concerns the Subject District Judge, the Complaint fails to present a basis for a finding of misconduct. The allegations that concern the substance of the Subject District Judge's official actions, rulings, findings, and orders in the above-described cases are directly related to the merits of the Subject District Judge's decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Complainant's remaining claims against the Subject District Judge are based on allegations lacking sufficient evidence to raise an inference that he engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED** to the extent it concerns the Subject District Judge.

/s/ William H. Pryor Jr.  
Chief Judge