

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

MAY 05 2023

CIRCUIT EXECUTIVE

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

11-22-90153

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

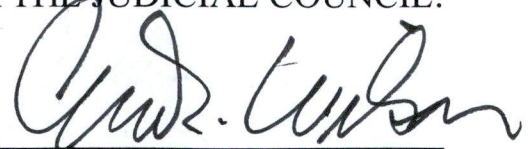
ON PETITION FOR REVIEW

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 October 11, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on November 9, 2022, and the petition for review filed by petitioner on December 5, 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

NOV 09 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-22-90153

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 the Subject Judge has been assigned to three cases Complainant filed. In the first two cases, Complainant filed a civil-rights action against multiple defendants and a motion for leave to proceed *in forma pauperis*. In both cases, the Subject Judge issued an order dismissing the complaint for lack of subject-matter jurisdiction and denying her *in forma pauperis* motion as moot. Complainant appealed one of the cases, and this Court dismissed the appeal for want of prosecution. In the third case,

Complainant filed a civil-rights complaint against multiple defendants and a motion for leave to proceed *in forma pauperis*. The Subject Judge entered an order granting the *in forma pauperis* motion, directing Complainant to file an amended complaint with respect to an employment-discrimination claim, and dismissing the remaining claims because there was no logical connection between those claims and the employment-discrimination claim. Complainant then filed an amended complaint. In April 2021, the Subject Judge entered an order dismissing the case for failure to state a viable claim. Complainant appealed, and this Court later dismissed her appeal for want of prosecution.

Complaint

Complainant takes issue with the Subject Judge's orders dismissing her cases and denying her motions to proceed *in forma pauperis*. She alleges the Subject Judge harassed and threatened her, discriminated against her, violated her rights, dismissed cases based on the of the race litigants, and exhibited arrogance and "bad behavior" in "black female cases." She also takes issue with the actions of individuals other than the Subject Judge, and she attached documents to her Complaint.

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 cases, 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 harassed or threatened her, discriminated against her or others, was not impartial, 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