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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-22-90154

ORDER

An individual has filed a Complaint against a United States magistrate 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 September 2022 Complainant filed a “Petition for Writ of Mandamus” alleging his constitutional rights had been violated. The Subject Judge then issued a report recommending that the case be dismissed without prejudice due to Complainant’s failure to disclose his complete litigation history and because the court lacked the authority to issue a writ of mandamus to a state court. Complainant filed objections to the report and a notice of appeal.

Complaint

Complainant states that the above-described case was the seventh consecutive case assigned to the Subject Judge raising the same issue, and that the Subject Judge dismissed all seven cases “on meritless grounds.” He contends the Subject Judge was required to disqualify herself from the matter because she previously gave an opinion on and had prior knowledge of the issue. Complainant alleges the Subject Judge knowingly ignored the United States Constitution, her oath to remain impartial, and rules of judicial conduct, and he asserts the Subject Judge’s actions are part of her “efforts to manage and uphold her prominent position in a multi-billion dollar modern day slave indust[r]y” that earns profit by “illegally detain[ing] blacks without process of law.”

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, findings, report, and recommendations 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 was not impartial, violated her oath of office, 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