

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JUL 19 2023

CIRCUIT EXECUTIVE

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

11-22-90166

**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 December 1, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on December 22, 2022, and the petition for review filed by petitioner on January 9, 2023. 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

DEC 22 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-22-90166

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 November 2021 Complainant, an attorney admitted to practice in a certain state, filed a second amended complaint against multiple defendants. The defendants filed motions to dismiss the second amended complaint, and one defendant moved to enjoin Complainant as a vexatious litigant.

In September 2022, the Subject Judge issued an order granting the motions to dismiss and dismissing the case with prejudice as barred by *res judicata*, collateral estoppel, judicial immunity,

litigation immunity, and sovereign immunity, and for failure to state a claim. The Subject Judge also enjoined Complainant from filing future related actions in the court unless signed by an attorney admitted to the court's bar, finding she had a history of filing duplicative and vexatious actions, had no objectively good faith basis to prevail in those actions, and had caused needless expense. The Subject Judge directed the clerk to send a copy of the order to the jurisdiction where Complainant was licensed as an attorney. Complainant then filed motions seeking various types of relief, which the Subject Judge denied.

Complaint

Complainant alleges the Subject Judge violated multiple canons of the Code of Conduct for United States Judges by, among other things, failing to recuse himself from the case despite that recusal was required and that his impartiality could reasonably be questioned, likely engaged in improper or unlawful communications with another judge that caused that judge to rule against her in another case, coordinated with other judges to have her state court cases terminated, delayed ruling in the case to coordinate with another judge to have her cases closed "so that he could give a politically motivated, favorable ruling to the defendants," showed disrespect for the law, "politicked with others behind the scenes and allowed them to influence his judicial conduct, timing, and judgment," "aligned himself" with the defendants "to send a message to their powerless victims," dismissed her case without holding a hearing because he knew she had evidence of the defendants'

improper conduct, “allowed his personal bias, political connections, and affiliation” with district judges “to destroy [her] reputation, access to the courts, and constitutional due process,” sought to harm her by wrongfully accusing her of being a vexatious litigant, contacted the bar of a state where she is licensed “because he is bias[ed] and has intense animosity against” her, referred to her sister as “‘hateful’ because she sought to preserve canonical marriage,” sought to ensure no record was created in his court, “tried to create a false record or false impression” that Complainant sought to involve a certain company in the case, misused his office to bar any future action against the defendants, and exhibited “extreme racial hatred and animosity.” 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 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 violated the Code of Conduct for United States Judges, engaged in improper *ex parte* communications, acted with an illicit or improper motive, was biased, conspired with others, treated Complainant in a demonstrably egregious or hostile manner, 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