

JAN 11 2023

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-22-90174

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 September 2022 Complainant, identifying herself as a “National of the United States” and a “non-citizen,” filed a civil complaint against a corporation. The Subject Judge then issued an order directing Complainant to show cause why the case should not be dismissed due to her failure to pay the filing fee. Afterward, Complainant filed, among other things, an “Affidavit of Truth” in which she asserted she could not be charged a fee because she was a non-citizen and a “natural individual,” and

the document was docketed as a motion for leave to proceed *in forma pauperis*. In December 2022, the Subject Judge denied the motion to proceed *in forma pauperis* and directed Complainant to pay the filing fee.

Complaint

Complainant asserts that, as a non-citizen and a “natural individual,” she could not be charged a fee for exercising her constitutional rights. She contends that, by issuing the order to show cause, the Subject Judge violated her constitutional rights, delayed and denied her justice, and “attempt[ed] to sell[] justice to” her. She asserts that the Subject Judge’s denial of her Affidavit of Truth showed he was “incompetent of the law.” Finally, she states the Subject Judge “is discriminating against my national origin and citizenship by assuming that I am a U.S. citizen and seems to be incompetent of the law when it comes to the People of United States of America and citizens of the United States.”

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 discriminated against her 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