

MAR 13 2023

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-23-90015 and 11-23-90016

ORDER

An individual has filed a Complaint against a United States district judge and 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 February 2019 a federal grand jury returned an indictment charging Complainant with two crimes, and the Subject Judges were later assigned to the case. After a trial, a jury found Complainant guilty as charged in the indictment, and the Subject District Judge denied a motion for judgment of acquittal she had filed. In September 2019, the Subject District Judge sentenced her to a term of probation. Complainant filed a notice of appeal.

In June 2020, while the direct appeal was pending, Complainant filed a motion to vacate, set aside, or correct sentence, 28 U.S.C. § 2255. The Subject District Judge then entered an order dismissing the case without prejudice on the ground that the direct appeal was pending. In June 2021, this Court affirmed the district court’s denial of Complainant’s motion for a judgment of acquittal.

Complaint

Complainant states, “I have supporting documentation to show systematic patterns of judicial disabilities, unfair practices, conflicts of interests, obstructions, and violations that ‘remain pending.’” She also states that her motion to vacate remains pending as of 2020, and that a determination was made that the motion was premature “with the premeditated obstructions, violations, disability of due process, equity, fairness and prejudicial bias based inequity, based o[n] judicial disability.” Complainant then lists various allegations of misconduct without tying those allegations to any specific actions by either of the Subject Judges.

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 District Judge’s order dismissing Complainant’s § 2255 motion to vacate, the allegations 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 are based on allegations lacking sufficient evidence to raise an inference that the Subject Judges suffered from a disability or engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge