

MAY 11 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-23-90054

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**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 establishes that in 2020 Complainant and another individual filed a civil action against a city and a county. They later filed motions for leave to proceed *in forma pauperis*, which a magistrate judge granted. The case was reassigned to a new magistrate judge in 2022. In 2023, the magistrate judge issued an order finding the complaint failed to state a claim on which relief could be granted and directing the plaintiffs to file an amended complaint by a certain date. After that date passed, the magistrate judge recommended that the case be dismissed without prejudice due to the

plaintiffs' failure to file an amended complaint by the deadline and for the reasons stated in the judge's previous order. The next month, the Subject Judge issued an order adopting the recommendation and dismissing the case without prejudice.

The record establishes that in 2021 Complainant and another individual filed a civil-rights action against a corporation in which they also sought injunctive relief. The Subject Judge entered an order denying the motion for a temporary restraining order on the ground that the plaintiffs failed to meet the standard for such relief. A magistrate judge later recommended that the plaintiffs be directed to file an amended complaint and that their motion for a preliminary injunction be denied without prejudice. The Subject Judge adopted the recommendation and denied the motion for a preliminary injunction. The case was later reassigned to a different magistrate judge, and that judge entered an order directing the plaintiffs to file an amended complaint by a certain date. After the deadline passed, the magistrate judge recommended that the case be dismissed due to the plaintiffs' failure to file an amended complaint as directed. The Subject Judge then issued an order adopting the recommendation and dismissing the case without prejudice.

The record also establishes that in 2021 Complainant and another individual filed a civil-rights complaint against the same corporation seeking injunctive relief, and the Subject Judge denied their motion for a temporary restraining order. After various proceedings, a magistrate judge recommended that the action be dismissed with prejudice on the ground that it alleged a "substantially

identical claim” previously asserted against the defendant. The Subject Judge entered an order adopting the recommendation and dismissing the case with prejudice.

### **Complaint**

Complainant first states her complaint concerns the Subject Judge’s refusal to recuse himself from her cases. She states she wrote a “scathing account” of actions taken by a police department on her blog, which she sent to many individuals and entities, and that her writings “apparently awoke the attention of” the Subject Judge who “pulled my cases he was involved in and dismissed it within days.” Complainant states the Subject Judge “refused to even hear from” her about her cases, forced her case to remain in state court where she had not been able to have a fair trial, had a connection to her “ex” that ensured she would not be treated fairly and impartially, knew of her history and “her tenacity to be heard whenever she presents herself to the courts,” and is “in business and on the board” at a certain institute with two individuals named in her complaints who would be called as witnesses. She also takes issue with the actions of individuals other than the Subject Judge.

### **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 had a conflict of interest, 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