

OCT 19 2023

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-23-90126

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 2021 Complainant filed a civil complaint against a corporation, alleging the defendant stole funds from her. The defendant filed a motion to compel arbitration, arguing that a user agreement Complainant had signed provided for mandatory arbitration of unresolved disputes. The Subject Judge entered an order granting the defendant’s motion, stating that Complainant’s action asserted that the defendant “violated the terms of its User Agreement.” Complainant filed a motion for reconsideration, which the Subject Judge denied. After this Court

dismissed her appeal for lack of jurisdiction, Complainant voluntarily dismissed her case.

Complaint

Complainant alleges the Subject Judge committed fraud, violated her constitutional rights, entered a void judgment without holding a hearing, ruled “in favor of the party who committed grand theft” because the party was “a big corporation,” deliberately omitted her allegation of theft, ignored evidence, and abused her discretion. She also takes issue with this Court’s decision on appeal, and 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 acted with an illicit or improper motive, was biased or otherwise not impartial, engaged in fraud, 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