

JAN 17 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90001 through 11-24-90003

ORDER

An individual has filed a Complaint against three United States circuit judges 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 Complainant filed an employment-discrimination action against two defendants. A district judge later granted summary judgment for the defendants. A panel composed of the Subject Judges affirmed and denied Complainant's motion to supplement the record with evidence that she failed to present to the district court. Complainant filed a petition for rehearing en banc, which the Court denied.

Complaint

Complainant asserts her petition for rehearing en banc included evidence proving the appellees committed fraud, and she alleges the Subject Judges denied her petition in an attempt “conceal the facts of this case” and to conceal fraud. She states, “They are clearly biased and don’t have the ability to be fair and impartial. I believe this is for personal gain.” She also asserts the Subject Judges “have been bribed to conceal the fraud on the court by the appellees.”

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 Judges' opinion and order denying the petition for rehearing en banc, the allegations are directly related to the merits of the Subject Judges' 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 attempted to conceal facts or fraud, were biased or otherwise partial, acted for their personal gain, accepted bribes, 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