

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JUN 06 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90006 and 11-24-90007

ORDER

Before: ROSENBAUM, BRANCH, and LUCK, Circuit Judges; WALKER, Chief District Judge; COOGLER, District Judge.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

Done this 6th day of June, 2024.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum
United States Circuit Judge

JAN 23 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90006 and 11-24-90007

ORDER

An individual has filed a Complaint against a United States circuit judge and 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 Complainant filed a civil-rights complainant against multiple defendants, a motion for leave to proceed *in forma pauperis*, and a Motion for Referral to Volunteer Attorney Program. The Subject District Judge dismissed the complaint for failure to state a claim and denied the motions without prejudice. Complainant then filed an amended complaint, another *in forma pauperis* motion, and another motion requesting an attorney. The Subject District Judge entered an order dismissing the amended complaint with prejudice for failure to state a claim and denied the

motions as moot. On appeal, Complainant filed a motion for appointment of counsel, which the Subject Circuit Judge denied.

Complaint

Complainant states she believes the Subject Judges engaged in misconduct or suffer from a disability. She states that the Subject District Judge denied her amended complaint and *in forma pauperis* motion “rendering moot the opportunity for a volunteer lawyer, despite providing evidence of my long-term disability.” She states the Subject Circuit Judge denied her motion for appointment of counsel “without providing a reason, potentially violating my rights under the Civil Rights Act of 1964.” She contends, “This raises concerns of discrimination in the actions of both judges.” 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 Judges' official actions, findings, rulings, and orders in the above-described case and appeal, 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 discriminated against her, suffered from a disability, 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