

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

JUL 15 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90027 and 11-24-90028

ORDER

Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges; WALKER, Chief District Judge; and 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 15<sup>th</sup> day of July, 2024.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

APR 01 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-24-90027 and 11-24-90028

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**ORDER**

An individual has filed a Complaint against a United States magistrate 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.

As an initial matter, after Complainant filed her Complaint, she filed a supplemental statement. The filing of the supplemental statements is permitted. *See* 11th Cir. JCDR 6.7.

**Background**

The record shows that a company filed a lawsuit against multiple defendants. After various proceedings, Complainant and a defendant appealed certain orders and filed a motion for leave to appeal *in forma pauperis*. The Subject District Judge referred the *in forma pauperis* motion to a magistrate judge, and after that

magistrate judge recused, the motion was referred to the Subject Magistrate Judge. The Subject Magistrate Judge entered an order denying the *in forma pauperis* motion on the ground that the appeal was not taken in good faith.

### **Complaint**

Complainant asserts the Subject District Judge “inappropriately” delegated the duties of her office to the Subject Magistrate Judge and “failed to ensure” that the Subject Magistrate Judge “performed her duties effectively” because “magistrate judges have no authority to enter an order denying IFP status.” She also contends that the Subject Magistrate Judge violated a statute on the jurisdiction and powers of magistrate judges by entering an order denying the *in forma pauperis* motion.

### **Supplement**

Complainant’s supplemental statement includes a complaint form naming the Subject District 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. All of Complainant’s allegations concern the substance of the Subject Judges’ official actions, rulings, findings, and orders in the above-described case, and the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). For that reason, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge