

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JUL 15 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90035 and 11-24-90036

ORDER

Before: WILSON, ROSENBAUM, and BRANCH, Circuit
Judges; BATTEN and WALKER, Chief District Judges.

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 15th day of July, 2024.

FOR THE JUDICIAL COUNCIL:

Charles Wilson
United States Circuit Judge

APR 12 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

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ORDER

An individual has filed a Complaint against a United States district judge and a United States magistrate 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

Complainant's allegations concern the Subject Judges' actions in three different cases. First, the record shows that Complainant filed an employment-discrimination complaint against a defendant and a motion to proceed *in forma pauperis* and for the appointment of counsel. The Subject District Judge entered an order granting her *in forma pauperis* motion but denying her request for appointed counsel. The defendant filed a motion to dismiss. The Subject District Judge dismissed the case with prejudice on the

ground that Complainant failed to plead facts necessary to support her claim.

Second, the record shows that Complainant filed a civil-rights complaint against multiple defendants and a motion to proceed *in forma pauperis* and for the appointment of counsel. The Subject Magistrate Judge entered an order stating the complaint failed to allege a basis for federal jurisdiction, denying Complainant's motion to proceed *in forma pauperis* and for appointment of counsel, and directing her to file an amended complaint. The Subject District Judge later dismissed the case without prejudice for lack of subject-matter jurisdiction and alternatively for failure to prosecute.

Third, the record shows that Complainant filed a civil-rights complaint against two defendants, a motion to appoint counsel and for leave to proceed *in forma pauperis*, a demand for a jury trial, and an amended complaint. The Subject District Judge granted Complainant leave to proceed *in forma pauperis*, denied her request for appointment of counsel, and dismissed the case without prejudice for lack of jurisdiction. The Subject District Judge also ruled that Complainant was a frequent filer because she had filed the same action three times and ordered her to seek leave of court before filing another complaint against any of the defendants.

Complaint

In the first case, Complainant states that she sent the Subject District Judge an email concerning her need for an attorney in which she "pointed to the One True Judge of all the earth" and

stated that “everyone will render an account for all their earthly deeds and actions.” Complainant states, “I guess what I boldly stated to [the Subject District Judge] didn’t sit too well with him,” and that she believes the outcome of her case was determined by the Subject District Judge’s “prejudice or bad faith, ill will or other improper motives.”

In the second case, Complainant states the Subject Magistrate Judge “demand[ed] things from the courts I couldn’t understand or know what they needed.” She also states the Subject District Judge may have dismissed the case based on “ill will” toward her.

In the third case, Complainant states she provided evidence in support of her claims, but the Subject District Judge denied her request for an attorney and dismissed her case based on “bad faith, ill will, or other improper motives.” She also contends the Subject District Judge’s statement that her case was dismissed without prejudice was not true.

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 cases, 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 District Judge acted with an illicit or improper motive or that the Subject Judges 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