

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

MAR - 2 2017

CIRCUIT EXECUTIVE

FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT

111690067

IN RE: COMPLAINT OF JUDICIAL  
MISCONDUCT OR DISABILITY

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ON PETITION FOR REVIEW\*

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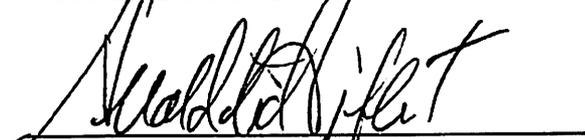
Before: TJOFLAT, HULL, MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDAN, ROSENBAUM, and JULIE CARNES, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, STEELE, WATKINS, and WOOD, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Tjoflat, Wilson, Pryor, Land, and Steele, the order of Chief Judge Ed Carnes filed on 14 October 2016, and of the petition for review filed by the complainant on 7 November 2016, with no non-disqualified judge on the Judicial Council Review Panel having requested that this matter be placed on the agenda of a meeting of the Judicial Council,

The Judicial Council Review Panel hereby determines that the disposition of this matter was proper and said disposition is hereby AFFIRMED.

The foregoing actions are APPROVED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Chief District Judge Rodgers did not take part in the review of this petition.



**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

**111690068**

**IN RE: COMPLAINT OF JUDICIAL  
MISCONDUCT OR DISABILITY**

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ON PETITION FOR REVIEW\*

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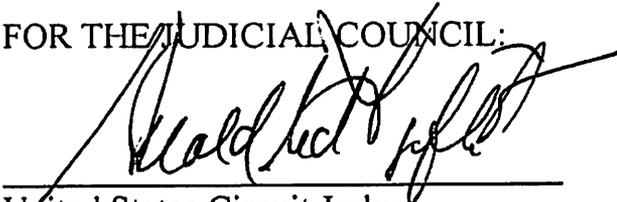
Before: TJOFLAT, HULL, MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDAN, ROSENBAUM, and JULIE CARNES, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, STEELE, WATKINS, and WOOD, Chief District Judges.

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The Judicial Council Review Panel hereby determines that the disposition of this matter was proper and said disposition is hereby **AFFIRMED**.

The foregoing actions are **APPROVED**.

FOR THE JUDICIAL COUNCIL:



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United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Chief District Judge Rodgers did not take part in the review of this petition.

**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

**111690069**



**IN RE: COMPLAINT OF JUDICIAL  
MISCONDUCT OR DISABILITY**

\_\_\_\_\_  
ON PETITION FOR REVIEW\*  
\_\_\_\_\_

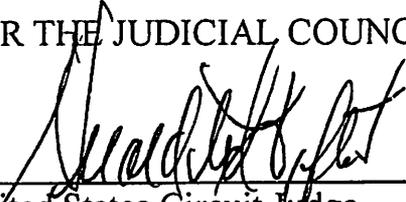
Before: TJOFLAT, HULL, MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDAN, ROSENBAUM, and JULIE CARNES, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, STEELE, WATKINS, and WOOD, Chief District Judges.

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The Judicial Council Review Panel hereby determines that the disposition of this matter was proper and said disposition is hereby AFFIRMED.

The foregoing actions are APPROVED.

FOR THE JUDICIAL COUNCIL:

  
\_\_\_\_\_  
United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Chief District Judge Rodgers did not take part in the review of this petition.

MAR - 2 2017

CIRCUIT EXECUTIVE

**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

111690070

**IN RE: COMPLAINT OF JUDICIAL  
MISCONDUCT OR DISABILITY**

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ON PETITION FOR REVIEW\*

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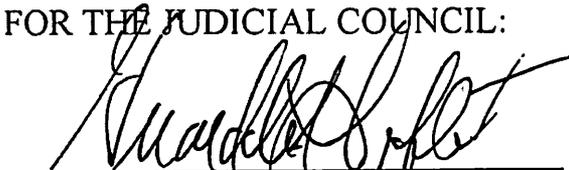
Before: TJOFLAT, HULL, MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDAN, ROSENBAUM, and JULIE CARNES, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, STEELE, WATKINS, and WOOD, Chief District Judges.

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The Judicial Council Review Panel hereby determines that the disposition of this matter was proper and said disposition is hereby AFFIRMED.

The foregoing actions are APPROVED.

FOR THE JUDICIAL COUNCIL:

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United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Chief District Judge Rodgers did not take part in the review of this petition.

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

MAR - 2 2017

CIRCUIT EXECUTIVE

**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

111690071

**IN RE: COMPLAINT OF JUDICIAL  
MISCONDUCT OR DISABILITY**

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ON PETITION FOR REVIEW\*

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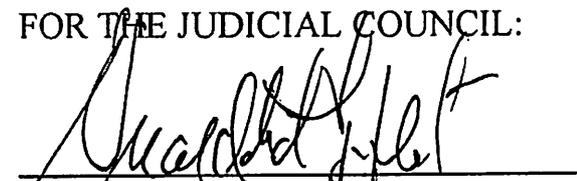
Before: TJOFLAT, HULL, MARCUS, WILSON, WILLIAM PRYOR, MARTIN, JORDAN, ROSENBAUM, and JULIE CARNES, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, LAND, STEELE, WATKINS, and WOOD, Chief District Judges.

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The Judicial Council Review Panel hereby determines that the disposition of this matter was proper and said disposition is hereby AFFIRMED.

The foregoing actions are APPROVED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

\* Chief Circuit Judge Ed Carnes and Chief District Judge Rodgers did not take part in the review of this petition.

OCT 14 2016

David J. Smith  
Clerk

**CONFIDENTIAL**

**BEFORE THE CHIEF JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT**

**Judicial Complaint Nos. 11-16-90067 through 11-16-90071**

**IN THE MATTER OF A COMPLAINT FILED BY \_\_\_\_\_**

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IN RE: The Complaint of \_\_\_\_\_ against U.S. Magistrate Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, and U.S. District Judges \_\_\_\_\_ and \_\_\_\_\_, of the U.S. District Court for the \_\_\_\_\_ District of \_\_\_\_\_, under the Judicial Conduct and Disability Act of 1980, Chapter 16 of Title 28 U.S.C. §§ 351-364.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Magistrate Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, and United States District Judges \_\_\_\_\_ and \_\_\_\_\_ (collectively, “the Subject Judges”), pursuant to Chapter 16 of Title 28 U.S.C. § 351(a) and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (“JCDR”).

As an initial matter, after Complainant filed his Complaint, he filed four supplemental statements. The filing of the supplemental statements is approved. See 11th Cir. JCDR 6.7.

Background

The record shows that Complainant has filed numerous 28 U.S.C. § 2254 petitions for writs of habeas corpus and other civil actions in the district court, and the Subject Judges have issued reports and orders in many of those cases. In March 2016 Complainant filed a § 2254 petition challenging his state court civil commitment. The next month, Judge \_\_\_\_\_ issued a report recommending that the petition be dismissed as an unauthorized second or successive petition. Over Complainant’s objections, Judge \_\_\_\_\_ adopted the report and recommendation and dismissed the case.

The record shows that in April 2016 Complainant filed a § 2254 petition challenging a state court battery conviction. Later that month, Judge \_\_\_\_\_ issued a report recommending that the petition be dismissed due to Complainant’s failure to exhaust his state court remedies. Over Complainant’s objections, Judge \_\_\_\_\_ adopted the report and recommendation and dismissed the petition.

The record shows that in May 2016 Complainant filed a § 2254 petition in the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_, seeking, among other things, to stay his transfer back to a state civil commitment center. After that, a district judge entered an order transferring the case to the United States District Court for the \_\_\_\_\_ District of \_\_\_\_\_ in light of the nature of Complainant's assertions and because his claims arose from actions occurring in that district. Judge \_\_\_\_\_ then issued a report recommending that the case be dismissed as an unauthorized second or successive petition and for Complainant's abuse of the judicial process. Over Complainant's objections, in June 2016 Judge \_\_\_\_\_ adopted the report and recommendation and dismissed the petition without prejudice for lack of jurisdiction and abuse of the judicial process.

### Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant appears to allege that the Subject Judges and other unnamed judges engaged in "Institutional Racism." He attached various documents to his Complaint, including a letter to a judge in which he asserted that Judge \_\_\_\_\_ had engaged in "judicial corruption" by finding that Complainant was required to exhaust remedies, and that Judge \_\_\_\_\_ "lied" in a case because Complainant is "Afro-American."

### Supplements

Complainant attached to his first supplement an order issued by a district judge from another district court denying a motion Complainant had filed. In the second supplement, Complainant requests the appointment of counsel<sup>1</sup> and alleges that: (1) the Subject Judges "are in systemic collusion to not provide [him] relief," even though they know or should know that he is innocent; (2) an order from a different district judge "implied" that there is a "faction" of judges in the \_\_\_\_\_ District of \_\_\_\_\_ "who sadistically enjoy 'judicially lynching' Afro-Americans by refusing to adjudicate their claims in a fair and non-bias manner"; and (3) Judge \_\_\_\_\_ "should be impeached for his criminal involvement in the criminal cover-up germane to" a 1985 decision from this Court.

In the third supplement, Complainant alleges that the judges of the \_\_\_\_\_ District of \_\_\_\_\_ "are systematically adjudicating § 1983 complaints and habeas corpus petitions filed by known Afro-Americans in a bias manner." He also alleges that Judge \_\_\_\_\_ "racially manufactured a lie" that Complainant had to exhaust remedies, which was "premeditated and in retaliation" for a letter Complainant wrote requesting that the clerk not assign his case to certain judges. Complainant's fourth supplement is identical to his third, but also includes attached articles.

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<sup>1</sup> Complainant's request for the appointment of counsel is DENIED.

## Discussion

Rule 3(h)(3)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States provides that cognizable misconduct does not include “an allegation that is directly related to the merits of a decision or procedural ruling.” The Rule provides that “[a]n allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse, without more, is merits-related.” *Id.* The “Commentary on Rule 3” states in part:

Rule 3(h)(3)(A) 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 power by ensuring that the complaint procedure is not used to collaterally attack the substance of a judge’s ruling. Any allegation that calls into question the correctness of an official action of a judge—without more—is merits-related.

To the extent Complainant’s allegations concern the substance of the Subject Judges’ official actions, findings, reports, and orders entered in Complainant’s cases, the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provides no credible facts or evidence in support of his allegations that the Subject Judges were racially biased or personally biased against him, colluded to deny him relief, or otherwise engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” JCDR 11(c)(1)(B), and the Complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists,” JCDR 11(c)(1)(D). For those reasons, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(ii) and (iii), and Rule 11(c)(1)(B) and (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**.



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Chief Judge