

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

OCT 30 2018

David J. Smith
Clerk

CONFIDENTIAL

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

Judicial Complaint No. 11-18-90112

IN THE MATTER OF A COMPLAINT FILED BY _____

**IN RE: The Complaint of _____ against _____, U.S. District Judge for
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.**

ORDER

_____ (“Complainant”) has filed this Complaint against United States District Judge _____ (the “Subject Judge”), 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”).

Background

The record shows that in September 2017 Complainant filed a motion for leave to file a lawsuit in the district court based on a claim that he had been discriminated against when he was not selected for a certain job. Complainant noted that he previously had been enjoined from filing a new action against certain defendants related to his previous employment unless he first obtained leave of court, and he argued that the current matter was not barred by the injunction. He also noted that he had been issued a right-to-sue letter giving him 90 days in which to file suit. The next month, the named defendant filed a response in opposition to Complainant’s motion. In February 2018 Complainant filed a motion for leave to file a reply to the response.

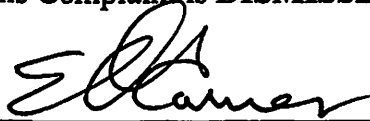
Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant alleges that the Subject Judge acted with an illicit motive by deliberately delaying ruling on his motion for leave to file the lawsuit until the deadline to file the case expired. He argues that it was clear that his proposed lawsuit was not barred by the injunction and that it had merit. He also asserts that the Subject Judge knew that if she granted his motion for leave to file, it would cause two of his previous appeals to be reopened. He attached documents to his Complaint.

Discussion

Complainant provides no credible facts or evidence in support of his claims that the Subject Judge acted with an illicit or improper motive, deliberately delayed ruling in the case, or otherwise engaged in misconduct.

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 that reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**.



Chief Judge