

**CONFIDENTIAL**

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

**Judicial Complaint No. 11-18-90173**

**FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT**

**JUL 09 2019**

**David J. Smith  
Clerk**

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

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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.

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**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”). The Subject Judge became a United States district judge in \_\_\_\_\_.

**Background**

Documents Complainant provided show that in 1982 he filed an employment discrimination lawsuit against two companies. The case initially was assigned to a district judge, but that judge later recused himself and the case was reassigned to another judge. In 1986 the district court dismissed the case because Complainant failed to provide proof that he tendered the money he received as consideration for a release he had entered into with the defendants. In August 1986 this Court affirmed the district court without opinion. Complainant filed a petition for writ of certiorari, and the Subject Judge was listed as an attorney for the respondents in their brief in opposition.

**Complaint**

In his Complaint of Judicial Misconduct or Disability, Complainant alleges that, during his case, the defendants “secretly brought in” the Subject Judge “then working as a private attorney . . . to deal under the table with the trial judge . . . knowing full well that she was the trial Judge’s former law clerk for 3 years at the same court and to dissuade the judge from conducting” an evidentiary hearing. Complainant states that the trial judge admitted meeting the Subject Judge at the trial judge’s home and other places “in private” during the case.

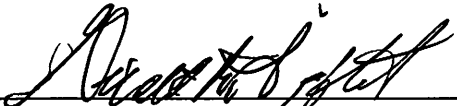
Complainant alleges the Subject Judge failed to disclose and “hid” information about her relationship and meetings with the trial judge, and that the Subject Judge knew the district court’s judgment was altered by a deputy clerk. He alleges the Subject Judge argued before this Court that it had jurisdiction to hear the case, but later argued to the Supreme Court that it did not have jurisdiction, which “clearly shows a case of fraud and or misrepresentation upon the Courts.” Complainant states that the Subject Judge’s “overall conduct” in meeting the trial judge in private “and arranging to have the case transferred” to another judge is a “clear case of ‘influence pedaling’ [sic] with the courts.” He also takes issue with the actions of individuals other than the Subject Judge.

### Discussion

Rule 1(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States provides, “A covered judge is defined under the Act and is limited to judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363.” See also 28 U.S.C. § 351(d)(1) (defining “judge” as “a circuit judge, district judge, bankruptcy judge, or magistrate judge”).

All of Complainant’s allegations concern the Subject Judge’s actions before she became a United States district judge, and, even if Complainant had presented any basis for those allegations, which he has not, they are not cognizable under the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States.

Thus, this Complaint is “not appropriate for consideration under the Act,” JCDR 11(c)(1)(G). For that reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(i) and Rule 11(c)(1)(G) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**. The dismissal of this Complaint in no way implies that the Subject Judge engaged in any misconduct in her capacity as an attorney.

  
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Acting Chief Judge