

JUL 08 2019

David J. Smith
Clerk

CONFIDENTIAL

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

Judicial Complaint No. 11-19-90005

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”). The Subject Judge became a United States district judge in _____.

Background

The record shows that the Subject Judge was initially assigned to a case Complainant filed in the United States District Court for the _____ District of _____ in 2018, but that case was reassigned to another district judge before the Subject Judge took any action in the case. The Subject Judge has not been involved in Complainant’s cases in the district court.

Complainant provided documents showing that in _____ he was indicted in state court on multiple counts of aggravated stalking after he unlawfully contacted an individual in violation of a permanent restraining order issued by a superior court judge in a previous case. Other records show that the Subject Judge was the judge in Complainant’s state court criminal cases.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant asserts that no permanent restraining order existed, but he was indicted and convicted of aggravated stalking in his state court criminal case. He alleges that the Subject Judge: (1) violated his oath of office; (2) conspired to commit racketeering and false imprisonment “under color of legal process”; and (3) conspired with a District Attorney and another attorney

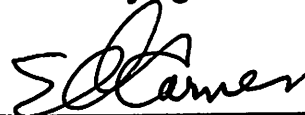
by “false-filing” indictments and documents to obtain Complainant’s conviction. He attached various documents to his Complaint.

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 he 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 his capacity as a state court judge.



Chief Judge