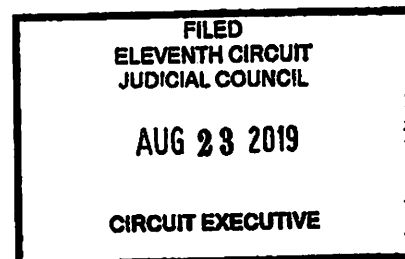


**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

11-19-90015



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

ON PETITION FOR REVIEW*


Before: WILLIAM PRYOR, MARTIN, JORDÁN, ROSENBAUM, JILL PRYOR, and NEWSOM, Circuit Judges; MOORE, MERRYDAY, THRASH, BOWDRE, DuBOSE, HALL, WALKER, and MARKS, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges William Pryor, Martin, Jill Pryor, DuBose, and Walker, the order of Acting Chief Judge Charles R. Wilson, filed on 22 May 2019, and of the petition for review filed by the complainant on 17 June 2019, 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, Circuit Judge Gerald Bard Tjoflat, Circuit Judge Stanley Marcus, Circuit Judge Charles R. Wilson, and Chief District Judge Clay D. Land did not take part in the review of this petition.

CONFIDENTIAL

BEFORE THE ACTING CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Judicial Complaint No. 11-19-90015

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

MAY 22 2019

David J. Smith
Clerk

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against _____, U.S. Circuit Judge for
the U.S. Court of Appeals for the _____ Circuit, 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 Circuit
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 Complainant previously filed Complaints of Judicial
Misconduct or Disability against multiple federal judges. In January 2019 the Subject
Judge, in his role as _____, concluded one Complaint due to intervening events and
dismissed the remaining Complaints as merits-related and/or lacking sufficient evidence.
In May 2019 the Judicial Council Review Panel affirmed the disposition of those
Complaints.

Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant takes issue
with the Subject Judge’s orders concluding or dismissing her previous Complaints of
Judicial Misconduct or Disability. She asserts her Complaints “were not investigated nor
evaluated under the Canon Rules,” and that the Subject Judge “did not address” certain
issues. She then takes issue with the actions of the judges named in her previous
Complaints, and states that the Subject Judge “agree[d]” with the allegedly improper
actions of those judges. Finally, she asserts that the Subject Judge violated her
constitutional rights, civil rights, and civil liberties.

Discussion

Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings
of the Judicial Conference of the United States, “Allegations Related to the Merits of a
Decision or Procedural Ruling,” 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" states in part:

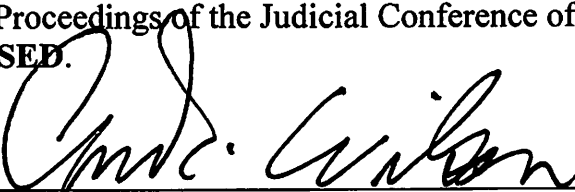
Rule 4(b)(1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations "[d]irectly related to the merits of a decision or procedural ruling." This exclusion preserves the independence of judges in the exercise of judicial authority by ensuring that the complaint 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.

In addition, the "Commentary on Rule 4" provides:

The phrase "decision or procedural ruling" is not limited to rulings issued in deciding Article III cases or controversies. Thus, a complaint challenging the correctness of a chief judge's determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related — in other words, as challenging the substance of the judge's administrative determination to dismiss the complaint — even though it does not concern the judge's rulings in Article III litigation.

To the extent Complainant's allegations concern the substance of the Subject Judge's orders concluding or dismissing her previous Complaints of Judicial Misconduct or Disability, the allegations are directly related to the merits of the Subject Judge's decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, she provides no credible facts or evidence in support of her claims that the Subject Judge 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**.



Acting Chief Judge