

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

OCT 23 2019

David J. Smith
Clerk

CONFIDENTIAL

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

Judicial Complaint No. 11-19-90048

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against United States Magistrate Judge
_____ of the United States 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 Magistrate 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 April 2019 Complainant filed a “Notice of Private Suit Rights” in which he requested the assistance of the district court “to resolve a lawsuit for employment discrimination,” and he attached a document from the _____ (_____). The district court issued a notice to the parties, and the case caption listed the _____ as the defendant. Complainant then filed a motion for clarification, stating the _____ was named as the defendant in error and that _____ was the proper defendant. He also filed a motion for the appointment of counsel.

Later in April 2019 the Subject Judge entered an order: (1) striking the notice of private suit rights; (2) denying the motion for appointment of counsel without prejudice; and (3) granting the motion for clarification, clarifying that _____, not the _____, was the defendant. The order stated that if Complainant intended to pursue a civil action in the court, he must file a proper complaint and either pay the filing fee or complete an affidavit of indigency. In May 2019 the Subject Judge issued a report recommending that the case be dismissed without prejudice for lack of prosecution. The next month, the district judge entered an order adopting the report and recommendation and dismissing the case without prejudice.

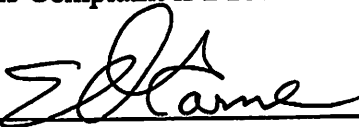
Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states that the district court erroneously named the _____ as the defendant in his case, which “caused” a “Judicial Disability.” He states he feels he can “no longer make any new court filings due to” the “Judicial Disability.” Complainant also discusses the merits of his employment discrimination claim. He seeks an investigation “to correct this court deficiency.”

Discussion

Complainant provides no credible facts or evidence in support of his claim that the Subject Judge caused a “Judicial Disability” 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