

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL
APR 09 2020

CIRCUIT EXECUTIVE

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

11-19-90085

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

ON PETITION FOR REVIEW*

Before: WILSON, WILLIAM PRYOR, MARTIN, JORDÁN, ROSENBAUM, JILL PRYOR, NEWSOM, BRANCH, and GRANT, Circuit Judges; MERRYDAY, MOORE, LAND, COOGLER, DuBOSE, HALL, WALKER, and MARKS, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Wilson, William Pryor, Martin, Land, and Walker, the order of Chief Judge Ed Carnes, filed on 22 January 2020, and of the petition for review filed by the complainant on 12 February 2020, 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 and Chief District Judge Thomas W. Thrash, Jr. did not take part in the review of this petition.

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JAN 23 2020

David J. Smith
Clerk

CONFIDENTIAL

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

Judicial Complaint No. 11-19-90085

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against United States District 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 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”).

As an initial matter, after Complainant filed her Complaint, she filed two supplemental statements. The filing of the supplemental statements is permitted. See 11th Cir. JCDR 6.7.

Background

The record shows that in May 2015 Complainant filed a “Petition for Declaratory Judgment” against a company and the United States, and she moved for leave to proceed in forma pauperis (IFP). A magistrate judge entered an order and report granting the IFP motion but recommending that the case be dismissed as frivolous. In June 2015 the Subject Judge entered an order adopting the magistrate judge’s report and dismissing the case with prejudice. The order also stated that, because of Complainant’s “long history of filing frivolous lawsuits,” she was required to pay the full filing fee before any new civil action would be docketed. Years later, Complainant filed a notice of appeal, and this Court dismissed the appeal for lack of jurisdiction.

The record shows that in February 2019 Complainant and her son filed a lawsuit against multiple defendants, seeking to enjoin a foreclosure action and stating, among other things, that they were “victims of government corruption in military and police human sex trafficking.” After various proceedings, the assigned district judge entered an order transferring the case to the Subject Judge as a matter of judicial economy. In July

2019 the plaintiffs filed a second amended complaint, and a defendant filed a motion to dismiss the complaint for lack of subject matter jurisdiction.

In August 2019 a magistrate judge issued a report recommending, among other things, that the motion to dismiss be granted. The plaintiffs then filed multiple motions seeking various types of relief, including motions to recuse or disqualify the Subject Judge in which they argued that he had exceeded his judicial authority and conspired to violate their rights. In October 2019 the Subject Judge entered an order adopting the magistrate judge's report, granting the defendant's motion to dismiss for lack of jurisdiction, and denying the plaintiffs' motions.

The record shows that in May 2019 Complainant filed an emergency petition for writ of habeas corpus on behalf of her son, arguing in part that her son was arrested and held without a bond hearing. The Subject Judge then entered an order dismissing the case because Complainant was not a lawyer and could not file the action on behalf of her son. In July 2019 Complainant filed on behalf of her son a notice of removal of an emergency petition for writ of habeas corpus, and the matter was submitted to the Subject Judge.

The record also shows that in September 2019 Complainant and others filed a lawsuit naming multiple defendants, including the Subject Judge, and seeking damages for alleged violations of the plaintiffs' constitutional rights. In September 2019 the case was reassigned from the Subject Judge to another district judge, and the next month, the case was reassigned back to the Subject Judge.

Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant appears to allege that the Subject Judge has been bribed, and she asserts that the Subject Judge conspired with the clerk's office. She appears to take issue with the Subject Judge's dismissal of the case she sought to file on behalf of her son and asserts that the Subject Judge "is hiding the evidence," which she argues proves that no bond hearing was held for her son. She also takes issue with the actions of individuals other than the Subject Judge.

Supplements

After she filed her Complaint, Complainant filed two supplemental statements. In the first, Complainant asserts that the Subject Judge falsely accused her of filing or attempting to file frivolous civil actions, which deprived her of her civil rights, and she complains that the Subject Judge denied her access to the court "except through payment of fees." She contends that, even when she pays the fees, she is denied access to the court and "treated differently." She also asserts that one of her cases was "wrongfully

transferred” to the Subject Judge and one case was “given a false civil action number” and “not allowed to proceed.”

Complainant states her belief that the Subject Judge: (1) is part of a “government crime network” taking actions against her and her son; and (2) “is part of a government human sex trafficking oppression [sic], coercion, done in conspiracy crimes against” her and her son in retaliation for her effort to obtain relief. She also alleges that the Subject Judge is biased against her and in favor of attorneys. She attached documents to her first supplement.

In the second supplement, Complainant seeks “emergency review” of her Complaint of Judicial Misconduct or Disability and the Subject Judge’s October 2019 order, contending that he should have been disqualified due his status as a defendant in one of her cases and that he violated the statute requiring his disqualification. She alleges that the Subject Judge approached and conspired with another district judge to prejudice her case “for no just cause.” Complainant asserts that the Subject Judge “is known to have authorized extreme aggravated felony stalking of [Complainant] by unknown federal agents,” and that he is part of a conspiracy to support “government human sex trafficking offenses and activities.”

Complainant alleges that the Subject Judge: (1) conspired with another judge and the clerk of court to reassign a case to the Subject Judge “at his whim” and for his “personal benefit”; (2) illegally assigned himself to her cases “against court policy”; (3) “wrongfully dismissed” one of her cases, which “wrongfully authorized” the taking of her residence; (4) retaliated against her because she filed a Complaint of Judicial Misconduct or Disability against him; (5); abused his office and obstructed justice; and (6) “penaliz[ed]” her due to her race and acted with “race hatred and animus against” her and her son. She also raises allegations against individuals other than the Subject Judge, and she attached documents to her second supplement.

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.

To the extent Complainant's allegations concern the substance of the Subject Judge's official actions, findings, rulings; and orders in Complainant's cases, the allegations are directly related to the merits of the Subject Judge's decisions or procedural rulings. Complainant's remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge was bribed, acted with an illicit or improper motive, held a personal or racial bias, was part of a conspiracy, retaliated against Complainant because she filed a Complaint of Judicial Misconduct or Disability, or otherwise 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**.



Chief Judge