

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

MAR 02 2020

David J. Smith  
Clerk

**CONFIDENTIAL**

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

**Judicial Complaint No. 11-19-90121**

**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”).

**Background**

The record shows that in March 2017 Complainant filed a civil complaint generally alleging that multiple defendants denied him his constitutional rights in connection with certain criminal proceedings. A few days later, the Subject Judge entered an order dismissing the complaint, finding that it failed to allege any viable cause of action but permitting Complainant to file an amended complaint by April 7, 2017. After that, Complainant filed a “Response to Amend the Record,” which the Subject Judge denied.

In April 2017 the Subject Judge issued an order dismissing the case because Complainant had failed to file an amended complaint by the deadline. Complainant filed a motion objecting to the dismissal, arguing that the court did not consider his Response to Amend and seeking the Subject Judge’s recusal. The Subject Judge then entered an order considering the Response to Amend as an amended complaint and again dismissing the case for the reasons set forth in the earlier order. The Subject Judge also denied recusal, stating that earlier adverse rulings were not a basis for recusal. Complainant’s appeal was later clerically dismissed for want of prosecution.

In August 2017 Complainant filed in the district court a “Judicial Notice and Proclamation,” and the Subject Judge entered an order striking the document as nonsensical. Complainant then filed multiple motions seeking various types of relief,

which the Subject Judge denied. In June 2018 Complainant filed a “Writ of Error Objection” in which he sought the Subject Judge’s recusal and alleged that the Subject Judge committed fraud, violated his oath of office, and acted as an attorney on behalf of the defendants. The Subject Judge construed the filing as a motion to recuse and denied it. Complainant filed two notices of appeal, and this Court issued opinions affirming the district court’s denial of certain motions.

In August 2019 the Subject Judge entered an order directing Complainant to show cause why he should not be sanctioned for continuing to submit repetitive and frivolous motions. Complainant then filed three documents raising various arguments. After that, the Subject Judge entered an order striking Complainant’s filings as nonsensical and directing the clerk not to accept any more filings from him in the case unless they were signed by an attorney admitted to the bar of the court.

### Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant alleges that the Subject Judge and the district court clerk committed “fraud on the court by practicing law as an attorney for Defendants . . . by altering petition in attempt to grant the defendants immunity . . . while fraudulently in conflict of interest as fiduciary . . . .” He alleges the Subject Judge and clerk acted “in violation of practicing law,” the “Nobility Clause,” and their “oath of duty,” and communicated “to obstruct equitable relief in declaratory decree.” Complainant also takes issue with the actions of the circuit court clerk. He attached documents to his Complaint.

### 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, and orders in the case, the allegations are directly related to the merits of the Subject Judge's decisions or procedural rulings. Apart from the decisions or procedural rulings with which Complainant takes issue, he provides no credible facts or evidence in support of his claims that the Subject Judge committed fraud, had a conflict of interest, violated his oath of office, 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