

CONFIDENTIAL

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

MAY 13 2020

David J. Smith
Clerk

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

Judicial Complaint Nos. 11-20-90005 through 11-20-90007

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against former United States Magistrate Judges _____, _____, and _____ 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 former United States Magistrate Judges _____, _____, and _____ (collectively, “the Subject Judges”), 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”). Judge _____ retired in _____, Judge _____ retired in _____, and Judge _____ retired in _____.

Background

The record shows that in November 2014 Complainant was arrested on a complaint charging him and others with conspiracy to commit wire fraud. At an initial appearance before Judge _____, the government filed a motion for detention and Judge _____ issued an order of temporary detention. At a later detention hearing, Judge _____ granted the government’s motion for detention and ordered that Complainant be detained pretrial. In December 2014 Judge _____ committed Complainant to another district.

Complaint

In his Complaint of Judicial Misconduct or Disability, which Complainant filed in January 2020 against the three retired Subject Judges, he first asserts that his case should have dismissed because it was clear that neither he nor his companies committed a crime. He states the Subject Judges “allowed an innocent man to be tortured by the government’s employees while they played along with the scheme” and acted outside of their jurisdiction.

Complainant alleges that Judge _____ stated at Complainant's first appearance that he had "committed a heinous crime." He alleges that, at a bond hearing, Judge _____ "play[ed] right along with the scheme" and denied him bond. Complainant then asserts that Judge _____ "was the first judge to start this heinous scheme against" him, and she tried to keep the "fraudulent" case hidden. Complainant seeks monetary damages against the Subject Judges. He attached documents to his Complaint.

Discussion

Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States provides, "The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot or make remedial action impossible as to the subject judge." With respect to this rule, the "Commentary on Rule 11" states in part, "Rule 11(e) implements Section 352(b)(2) of the Act, which permits the chief judge to 'conclude the proceeding,' if 'action on the complaint is no longer necessary because of intervening events,' such as a resignation from judicial office."

In light of the Subject Judges' retirements, "intervening events render some or all of the allegations moot or make remedial action impossible," JCDR 11(e). For this reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(2) and Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint proceeding is **CONCLUDED**. The conclusion of this proceeding in no way implies that there is any merit to Complainant's allegations against the Subject Judges.



Chief Judge