

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

11-20-90008

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

SEP 10 2020

CIRCUIT EXECUTIVE

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

ON PETITION FOR REVIEW*

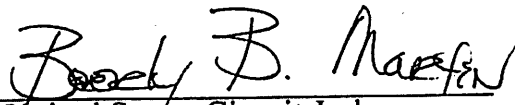
Before: WILLIAM PRYOR, Chief Judge, MARTIN, JORDÁN, ROSENBAUM, JILL PRYOR, NEWSOM, BRANCH, GRANT, and LUCK, Circuit Judges; MERRYDAY, MOORE, THRASH, COOGLER, DuBOSE, HALL, TREADWELL, WALKER, and MARKS, Chief District Judges.

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Martin, Branch, Grant, Coogler, and Walker, the order of Acting Chief Judge Charles R. Wilson, filed on 29 April 2020, and of the petition for review filed by the complainant on 15 June 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

* Circuit Judge Charles R. Wilson did not take part in the review of this petition.

CONFIDENTIAL

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

APR 29 2020

David J. Smith
Clerk

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

Judicial Complaint No. 11-20-90008

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against United States Circuit Judge _____ of the United States 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 _____, 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 has been involved in multiple cases that he has appealed to this Court. For example, in May 2019 he filed in district court a 28 U.S.C. § 2241 petition for writ of habeas corpus, and he later paid the \$5.00 filing fee. In July 2019 he filed a second amended petition. In November 2019 a district judge entered an order dismissing the § 2241 petition, and Complainant appealed.

This Court’s Clerk’s Office then sent Complainant a letter stating in part that his appeal would be dismissed if he failed to pay the docketing and filing fees or file a motion to proceed in forma pauperis (IFP) within 14 days. In March 2020 this Court clerically dismissed the appeal for want of prosecution because Complainant failed to pay the fees or file a motion to proceed IFP by the time fixed by the rules.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant first states that he is a habeas corpus petitioner who paid the \$5.00 filing fee in the district court. He then alleges that the Subject Judge has permitted the Clerk of this Court to not process habeas corpus appeals for failure to pay the processing fee, which “contrast[s]” with 28 U.S.C. § 1914(a) and 18 U.S.C. § 3626(g)(2). Complainant states that habeas corpus applications are exempt from the filing fee requirement under the Prisoner Litigation

Reform Act, and he alleges the “systematic unlawful rejection” deprived him of his right to appeal.

Discussion

Complainant provides no credible facts or evidence in support of his allegations that the Subject Judge 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**.

Charles R. Wilson /s/
Acting Chief Judge