

**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. 11-20-90009 through 11-20-90011**

**IN THE MATTER OF A COMPLAINT FILED BY \_\_\_\_\_**

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IN RE: The Complaint of \_\_\_\_\_ against United States Circuit Judges \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ 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.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Circuit 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”).

Background

The record shows that in June 2019 Complainant and another individual filed a civil action against a corporation seeking, among other things, a declaration that a certain state court foreclosure judgment was void. A few days later, the district court entered an order dismissing the case without prejudice, finding that: (1) in another case, the court recently denied the plaintiffs the same relief sought on the same issues; and (2) the court lacked jurisdiction under the Rooker-Feldman doctrine. The plaintiffs filed a motion for reconsideration, which the district court denied. The plaintiffs appealed.

In January 2020 a panel composed of the Subject Judges affirmed the district court’s dismissal of the case under the Rooker-Feldman doctrine. The panel also determined the appeal was frivolous and ordered that the appellants and their counsel were jointly and severally liable for double costs and reasonable attorney’s fees related to the appeal. The appellants filed a petition for rehearing en banc generally arguing that the Subject Judges relied on material not in the record. In March 2020 the Subject Judges entered an order denying the petition for rehearing en banc.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant alleges that the Subject Judges: (1) “engaged in Corruption by Violation of Specific Standards of

Judicial Conduct”; (2) used their office to obtain special treatment for friends or relatives; (3) accepted bribes, gifts, or other personal favors related to their judicial office; and (4) engaged in improper ex parte communications with parties or counsel for one side in a case. He contends that the Subject Judges “went outside the record” in his appeal, “followed the opposing counsel, word for word,” and adopted the appellee’s representations and “outside the record Appendix.”

Complainant states that he believes the Subject Judges “were called and requested a favor by a Judge in this Case, that are involved in the Corruption of stealing my home and destroying our lives, who made myself, my ex-wife with our minor child homeless and penniless.” He asserts that a judge involved in the case “called in a favor” and had an ex parte communication with the Subject Judges to cause them to defy precedent. He also raises allegations against individuals other than the Subject Judges, and 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 Judges’ opinion and order in his appeal, the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provides no credible facts or evidence in support of his claims that the Subject Judges were corrupt, used their office to obtain special treatment for friends or relatives, accepted bribes, gifts, or other personal favors related to their judicial office, engaged in improper ex parte communications, 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**.

A handwritten signature in black ink, appearing to read "Ed Lamer", written over a horizontal line.

Chief Judge