

CONFIDENTIAL

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUN 22 2020

David J. Smith
Clerk

BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Judicial Complaint No. 11-20-90027

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 January 2019 Complainant filed a complaint against two defendants, along with an emergency request for a preliminary injunction. A few days later, the Subject Judge entered an order dismissing the complaint without prejudice for lack of subject-matter jurisdiction because all the counts challenged decisions and actions in state court. The order noted that Complainant’s complaint described proceedings in a state court criminal case where he was charged with a felony. Complainant appealed and moved to proceed in forma pauperis (IFP) on appeal, and the Subject Judge denied the IFP motion.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states that he filed a sealed complaint with the district court and, at some point later, overheard outside the Subject Judge’s chambers a discussion of the case and facts that he had not brought up in that case.¹ He specifically states the discussion pertained to him being involved in a fabricated criminal case, which was a lie put out by private investigators working for his

¹ The case number Complainant provides in his statement of facts is for a case that does not involve Complainant or the Subject Judge.

former employer. Complainant asserts the discussion was a “highly inappropriate” ex parte communication. He attached various documents to his Complaint.

Discussion

Complainant provides no credible facts or evidence in support of his allegation that the Subject Judge engaged in an improper ex parte communication.

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**.

/s/ William H. Pryor Jr.

Chief Judge