

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

JUN 09 2020

David J. Smith  
Clerk

**CONFIDENTIAL**

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

**Judicial Complaint No. 11-20-90031**

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

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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.

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**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 February 2014 a federal grand jury indicted \_\_\_\_\_ (“\_\_\_\_\_”) and \_\_\_\_\_ (“\_\_\_\_\_”) on charges of conspiracy, mail fraud, wire fraud, and money laundering. In July 2014 \_\_\_\_\_ pleaded guilty to one count of conspiracy to commit mail and wire fraud. In a “Statement of the Offense” attached to the plea agreement, \_\_\_\_\_ admitted to conspiring with \_\_\_\_\_ to commit mail and wire fraud. At \_\_\_\_\_ sentencing hearing in October 2014, the Subject Judge stated, “at some point you made a deliberate decision with your co-defendants that you were going to defraud these people.” The Subject Judge ultimately sentenced \_\_\_\_\_ to a term of 108 months of imprisonment.

In May 2015, following a trial, a jury found \_\_\_\_\_ guilty of multiple counts and was unable to reach a verdict as to other counts. In August 2015 the Subject Judge sentenced \_\_\_\_\_ to a total term of 204 months of imprisonment. This Court later issued an opinion that, among other things, affirmed \_\_\_\_\_ convictions and sentences.

Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant takes issue with the Subject Judge’s statement at \_\_\_\_\_ sentencing hearing that \_\_\_\_\_ was

guilty of defrauding people, as the statement was made before \_\_\_\_\_ trial. Complainant alleges the Subject Judge did not uphold his oath of office and did not give \_\_\_\_\_ a “fair and just trial.” Finally, Complainant alleges the Subject Judge allowed perjured testimony at \_\_\_\_\_ sentence, noting two individuals stated they were destitute when they were millionaires. She attached documents to her Complaint.

### Discussion

Complainant’s claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge violated his oath of office, knowingly allowed perjured testimony, or otherwise 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**.

\_\_\_\_\_  
/s/ William H. Pryor Jr.

Chief Judge