

CONFIDENTIAL

BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Judicial Complaint No. 11-20-90035

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUN 09 2020

David J. Smith
Clerk

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 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 in October 2014 that Donovan “made a deliberate

decision . . . to defraud these people,” as the statement was made before Donovan’s trial. She asserts the Subject Judge “decided Donovan’s fate long before [he] could prove himself innocent.” To her Complaint, she attached an excerpt of Blayne’s sentencing hearing.

Discussion

Complainant’s claims are based on allegations lacking sufficient evidence to raise an inference 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**.

/s/ William H. Pryor Jr.

Chief Judge