FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT

11-20-90049

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

ON PETITION FOR REVIEW*

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

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Wilson, Martin, Branch, Coogler, and Walker, the order of Chief Judge William H. Pryor Jr., filed on 13 August 2020, and of the petition for review filed by the complainant on 21 September 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:

Charles R. Wilson
United States Circuit Judge

* Chief Circuit Judge William H. Pryor Jr. did not take part in the review of this petition.

FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT

11-20-90050

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

ON PETITION FOR REVIEW*

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

Upon consideration of the petitioner's complaint by a review panel consisting of Judges Wilson, Martin, Branch, Coogler, and Walker, the order of Chief Judge William H. Pryor Jr., filed on 13 August 2020, and of the petition for review filed by the complainant on 21 September 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

* Chief Circuit Judge William H. Pryor Jr. did not take part in the review of this petition.

CONFIDENTIAL

BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Judicial Complaint Nos. 11-20-90049 and 11-20-90050

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against United States Magistrate Judge _____ and 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 Magistrate Judge _____ and United States District Judge _____ (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 February 2019 Complainant filed a complaint against the Commissioner of Social Security, seeking review of the defendant's decision to deny her claim for disability insurance benefits. She later filed two memoranda in opposition to the Commissioner's decision. In December 2019 Judge _____ issued a report recommending that the Commissioner's final decision be affirmed, generally finding the determinations of an administrative law judge comported with proper legal standards and were supported by substantial evidence. Over Complainant's objections, Judge _____ issued an order approving and adopting the report and recommendation and affirming the Commissioner's final decision. Complainant filed a motion for reconsideration, which Judge _____ denied.

Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant alleges the Subject Judges did not respond to documents she provided showing the administrative law judge erred and that they only looked at documentation from the Social Security Administration. She generally takes issue with Judge _____ findings, states that he did not look at her case file and did not respond after she provided additional documents, and contends his recommendation "shows error and missed documentation." Next,

Complainant asserts that Judge _____ failed to provide reasons for his rulings when the law required that reasons be given, abused his authority, and did not return certain records to the Social Security Administration. She attached various documents to her 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' official actions, findings, rulings, report, and orders in the case, 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, she provide no credible facts or evidence in support of her claims that Judge _____ improperly failed to give reasons or abused his authority, or that the Subject Judges 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.**

/s/ William H. Pryor Jr.
Chief Judge