

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JAN 27 2021

David J. Smith
Clerk

CONFIDENTIAL

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

Judicial Complaint No. 11-20-90116

IN THE MATTER OF A COMPLAINT FILED BY _____

IN RE: The Complaint of _____ against United States Magistrate 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 _____ (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 August 2020 Complainant filed a lawsuit against two defendants and a motion for leave to proceed in forma pauperis (IFP). The next month, the Subject Judge issued an order denying the IFP motion without prejudice, finding it failed to provide sufficient information for the court to determine whether Complainant was entitled to proceed IFP. The order stated that if Complainant wished to proceed, he must pay the filing fee or file a complete IFP motion.

In November 2020 the Subject Judge issued an order directing Complainant to show cause why the case should not be dismissed for failure to comply with a court order, failure to pay the filing fee, and failure to prosecute. The next month, the Subject Judge issued an order: (1) directing the clerk to return a letter Complainant had submitted to the clerk; and (2) again directing Complainant to show cause why the case should not be dismissed. The Subject Judge then issued another order directing the clerk to return a deficient document to Complainant.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states he heard that he won an out-of-court settlement with one of the defendants in his case, but has “not heard anything from any of these Judges or the district court.” He also states, “They are

holding documents and keys that w[ere] turned over to them from” a police station, and he appears to allege that a judge who is not the Subject Judge did not provide him with a certain receipt.

Discussion

Complainant provides no credible facts or evidence in support of a claim 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