

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. 11-20-90117

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 Subject Judge then entered an order directing Complainant to file an amended IFP motion and an amended complaint, finding the IFP motion was incomplete and inconsistent and the complaint failed to contain any factual allegations demonstrating a basis for any claim.

In September 2020 Complainant filed a response providing additional information, and the Subject Judge entered an order giving Complainant an additional 30 days to file an amended IFP motion and an amended complaint. In October 2020 the Subject Judge issued a report recommending that the case be dismissed due to Complainant’s failure to comply with court orders and failure to prosecute. The next month, a district judge entered an order adopting the report and recommendation and dismissing the case.

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