

CONFIDENTIAL

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

Judicial Complaint No. 11-20-90169

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 January 2020 a federal grand jury issued an indictment charging Complainant with one count each of possession with intent to distribute cocaine base, possession of a firearm in furtherance of a drug-trafficking crime, and possession of a firearm by a convicted felon. In June 2020 Complainant filed a motion to suppress evidence seized during a search of a certain location, generally arguing the search violated the Fourth Amendment.

After a suppression hearing at which Complainant was appointed by retained counsel, a magistrate judge issued a report recommending that the motion to suppress be denied, finding Complainant did not have standing to contest the search at issue and, in any event, the officers’ protective sweep of the location was justified and they lawfully discovered evidence in plain view during the sweep. Over Complainant’s objections, the Subject Judge entered an order adopting the report and recommendation and denying the motion to suppress. Complainant appealed the order, but later voluntarily dismissed the appeal. In November 2020 a superseding indictment was issued charging Complainant with the same offenses.

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

MAR 10 2021

David J. Smith
Clerk

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant does not raise any allegations of misconduct against the Subject Judge and generally takes issue with the representation provided by his attorney.

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