

**CONFIDENTIAL**

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

**Judicial Complaint No. 11-20-90180**

**FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT**

**MAR 24 2021**

**David J. Smith  
Clerk**

**IN THE MATTER OF A COMPLAINT FILED BY \_\_\_\_\_**

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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.

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**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”).

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statement is permitted. See 11th Cir. JCDR 6.7.

**Background**

The record shows that in November 2018 Complainant and another individual filed a voluntary petition for Chapter 13 bankruptcy. After various proceedings, the Chapter 13 Trustee filed an affidavit of default stating that the debtors failed to make timely monthly plan payments in violation of a court order, and a bankruptcy judge then entered an order dismissing the case. The debtors later filed a notice of appeal.

In August 2020 the Subject Judge issued an order directing the appellants to show cause why the appeal should not be dismissed for lack of jurisdiction due to their untimely filing of the notice of appeal. Later in August 2020 the Subject Judge issued an order dismissing the appeal without prejudice, noting the appellants did not address the issues identified in the show cause order and finding the notice of appeal was untimely and the court lacked jurisdiction over the appeal.

## Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states the Subject Judge dismissed his appeal without providing him notice. He also states the Subject Judge was an assistant prosecutor in an “old” state court case where he sought to convict Complainant of a crime he did not commit, and he asserts the Subject Judge is biased and prejudiced against him. He attached documents to his Complaint.

## Supplement

In his supplemental statement, Complainant reiterates his allegations and further alleges that the Subject Judge violated the Code of Conduct for United States Judges. He attached documents to his supplement.

## Discussion

Complainant provides no credible facts or evidence in support of his allegations that the Subject Judge had a conflict of interest, was biased or prejudiced against Complainant, violated the Code of Conduct for United States Judges, or otherwise 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