

**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

11-21-90001

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

JUN 08 2021

CIRCUIT EXECUTIVE

**IN RE: COMPLAINT OF JUDICIAL
MISCONDUCT OR DISABILITY**

ON PETITION FOR REVIEW*

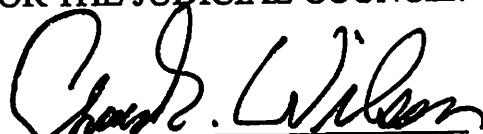
Before: WILSON, MARTIN, JORDÁN, ROSENBAUM, JILL PRYOR, NEWSOM, BRANCH, GRANT, and LUCK, Circuit Judges; MOORE, CORRIGAN, COOGLER, DuBOSE, BATTEN, HALL, TREADWELL, WALKER, and MARKS, Chief District Judges.

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 31 March 2021, and of the petition for review filed by the complainant on 8 April 2021, 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 No. 11-21-90001

IN THE MATTER OF A COMPLAINT FILED BY _____

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

MAR 31 2021

**David J. Smith
Clerk**

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 March 2009 Complainant filed a civil rights action against multiple defendants, raising in part allegations concerning certain property that was seized from him following his arrest. In June 2009 the Subject Judge issued an order directing the clerk to administratively close the case subject to it being reopened upon the resolution of a forfeiture action pending in state court that concerned the same property. Over the years that followed, Complainant filed motions seeking to reopen the case and for other types of relief, and the Subject Judge denied those motions.

The record shows that in May 2020 Complainant appealed to the district court a decision issued in a bankruptcy case that he had filed. In July 2020 the Subject Judge issued an order dismissing the appeal and affirming the orders of the bankruptcy court, finding the action and appeal were an abuse of the bankruptcy process and the appeal was frivolous.

The record also shows that in December 2020 Complainant filed a lawsuit against an individual alleging the defendant fraudulently conveyed certain property. In late December 2020, the Subject Judge entered an order dismissing the action as frivolous, stating that, to the extent the complaint made sense, it was fantastic and delusional. In February 2021 Complainant filed a motion arguing that the Subject Judge had a conflict

of interest due to his involvement in the 2009 case, and the Subject Judge denied the motion.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant alleges the Subject Judge violated his oath of office by engaging in “personal administrative obstruction,” which has victimized Complainant in connection with the taking of his private property without due process. Complainant states that the Subject Judge’s December 2020 order in one case contravened his June 2009 order in another case, and that the orders show that he is incompetent and may be suffering from Alzheimer’s disease, “age-related memory loss,” and hallucinations. Complainant attached various documents to his 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 Judge’s official actions, findings, rulings, and orders in the cases, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provides no credible facts or evidence in support of his claims that the Subject Judge violated his oath of office, was incompetent, suffered from a disability, or 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