**CONFIDENTIAL**

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

**Judicial Complaint Nos. 11-21-90049 and 11-21-90050**

**IN THE MATTER OF A COMPLAINT FILED BY _____**

IN RE: The Complaint of _____ against United States Magistrate Judge _____ and 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 Magistrate Judge _____ and United States District Judge _____ (collectively, the "Subject Judges"), 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 September 2020 Complainant filed a prisoner civil rights action against one defendant and a motion for leave to proceed *in forma pauperis* (IFP). On September 10, 2020, Judge _____ issued an order granting Complainant's IFP motion and directing him to fill out and return two forms related to the IFP motion, which Complainant did in late September 2020. In November 2020 Complainant filed a motion to amend his complaint.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant states that there has been no action taken in his case for over six months and that the issues in his complaint are not complex. Complainant alleges that Judge _____: (1) violated Complainant's constitutional rights to petition the government for redress without threat of retaliation, to due process, and to equal protection of the law; and (2) violated his oath of office by deliberately refusing to issue a report and recommendation in the case.

Discussion

Complainant's claims are based on allegations lacking sufficient evidence to raise an inference that Judge _____ violated Complainant's constitutional rights, violated his oath of office, or had an improper motive in delaying issuing a report and recommendation, or that either of the Subject Judges 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