

**pFOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

**11-21-90071**

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

NOV 16 2021

CIRCUIT EXECUTIVE

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

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ON PETITION FOR REVIEW


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Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges;  
COOGLER and WALKER, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioners' complaint filed on July 15, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on August 24, 2021, and the petition for review filed by petitioners on September 27, 2021. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:

  
United States Circuit Judge

CONFIDENTIAL

BEFORE THE CHIEF JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT

Judicial Complaint No. 11-21-90071

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

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

AUG 24 2021

David J. Smith  
Clerk

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IN RE: The Complaint of \_\_\_\_\_ and \_\_\_\_\_ 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

\_\_\_\_\_ and \_\_\_\_\_ (collectively “Complainants”) have 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 Complainants filed their Complaint, they filed a  
supplemental statement. The filing of the supplemental statement is permitted. *See* 11th  
Cir. JCDR 6.7.

Background

The record shows that in September 2019 Complainants filed an amended *pro se*  
civil rights action against multiple defendants raising claims stemming from certain state  
court proceedings, and the defendants filed motions to dismiss the amended complaint.  
In January 2020 a magistrate judge issued a report recommending that the motions to  
dismiss be granted and the amended complaint be dismissed without leave to amend.  
Over Complainants’ objections, in February 2020 the Subject Judge entered an order  
adopting the report and recommendation and directing the clerk to close the case.

After various proceedings, in February 2021 certain defendants filed a joint  
emergency motion seeking to remand the case to state court in response to a notice of  
removal Complainants had filed. Also in February 2021, the Subject Judge issued an  
order consolidating the case with the new case that had been opened, granting the joint  
emergency motion to the extent it sought remand, and remanding the case to state court.  
Complainants then filed an emergency notice of removal, and the Subject Judge entered  
an order again remanding the case to state court, noting the emergency notice of removal  
contained no new evidence that changed the court’s previous orders.

## Complaint

In their Complaint of Judicial Misconduct or Disability, Complainants allege the Subject Judge violated 28 U.S.C. § 1447(c)—which states in part “A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court”—by failing to certify his February 2021 remand order and failing to direct the clerk to send a certified copy to the state court. They also state the “court has tried to emotionally badger them and/or financially ruin them for exercising their federally protected rights due to their self-representation and lower proficiency in English.” They then discuss the background of their lawsuits and raise allegations against individuals other than the Subject Judge. They attached documents to their Complaint.

## Supplement

In their supplemental statement, Complainants contend that an individual at the state court confirmed the court never received a certified copy of the Subject Judge’s remand order.

## Discussion

Complainants’ claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge engaged in misconduct by violating § 1447(c), tried to “emotionally badger them and/or financially ruin them,” 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