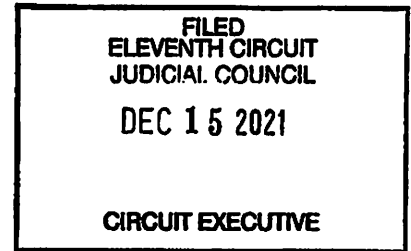


**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

**11-21-90102**



**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 petitioner's complaint filed on September 21, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on October 7, 2021, and the petition for review filed by petitioner on October 18, 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

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ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

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CIRCUIT EXECUTIVE

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

**11-21-90103**

**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 petitioner's complaint filed on September 21, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on October 7, 2021, and the petition for review filed by petitioner on October 18, 2021. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

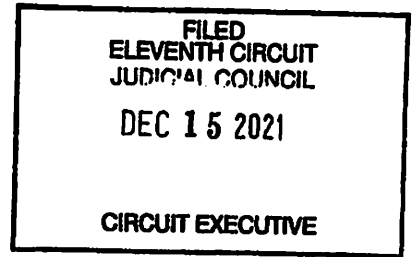
The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:

  
United States Circuit Judge

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

**11-21-90104**



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

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**ON PETITION FOR REVIEW**

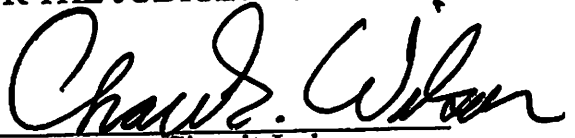
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Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges;  
COOGLER and WALKER, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on September 21, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on October 7, 2021, and the petition for review filed by petitioner on October 18, 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 Nos. 11-21-90102 through 11-21-90104

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

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IN RE: The Complaint of \_\_\_\_\_ against United States Magistrate Judge \_\_\_\_\_ and United States District Judges \_\_\_\_\_ and \_\_\_\_\_ 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 Magistrate Judge \_\_\_\_\_ and United States District Judges \_\_\_\_\_ and \_\_\_\_\_ (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 August 2018 Complainant filed an employment discrimination action against the \_\_\_\_\_ (“\_\_\_\_\_”), and Judge \_\_\_\_\_ was the assigned magistrate judge (“the First Case”). After various proceedings, in May 2019 Complainant filed a second amended complaint, and the defendant later filed a motion to dismiss. In January 2020 Judge \_\_\_\_\_ issued an order granting the motion to dismiss and dismissing the claims raised in the second amended complaint with prejudice, finding Complainant failed to state a claim on which relief could be granted.

The record also shows that in October 2020 Complainant filed another employment discrimination action against the \_\_\_\_\_, and Judge \_\_\_\_\_ was the assigned magistrate judge (“the Second Case”). After various proceedings, in June 2021 the defendant filed a motion to dismiss the complaint, arguing it was barred by the doctrine of *res judicata* as Complainant raised the same claims that had been dismissed in the First Case and certain claims that had been dismissed in two other previous lawsuits he had filed.

In August 2021 Judge \_\_\_\_\_ issued an order: (1) dismissing the complaint with prejudice for the reasons stated in the defendant’s motion to dismiss; (2) enjoining

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ELEVENTH CIRCUIT

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David J. Smith  
Clerk

Complainant from filing any new action, complaint, or claim for relief against the defendant related to his employment without a member of the Court's bar signing the paper; (3) stating that any *pro se* papers filed after entry of the order would be stricken and disregarded; and (4) denying his pending motions. Complainant then filed multiple motions, including motions to reopen the case in which he alleged the case had been dismissed based on a fraudulent misrepresentation by the defendant's counsel that it was barred by *res judicata*, and the motions to reopen were stricken pursuant to the August 2021 order.

### Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant alleges counsel for the defendant fraudulently claimed the Second Case was barred by *res judicata*, when counsel knew there was no final judgment on the merits in the First Case. Complainant alleges Judge \_\_\_\_\_ and Judge \_\_\_\_\_ assisted Judge \_\_\_\_\_ and the attorney in "the cover up" by concealing that no final judgment issued in the First Case. Complainant also alleges Judge \_\_\_\_\_ ordered that his *pro se* filings would be stricken to prevent him from exposing that *res judicata* did not apply. Finally, he alleges Judge \_\_\_\_\_ had motions to reopen that he filed stricken in retaliation for him filing a Complaint of Judicial Misconduct or Disability.

### 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 Judges' official actions, findings, rulings, and orders in the above-described cases, the allegations are directly related to the merits of the Subject Judges' decisions or procedural rulings. Complainant's remaining claims are based on allegations lacking sufficient evidence to raise an inference that Judge \_\_\_\_\_ retaliated against

Complainant for filing a judicial complaint, or that the Subject Judges were part of a conspiracy, acted to cover up or conceal matters, 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