

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

11-21-90105

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

FEB 22 2022

CIRCUIT EXECUTIVE

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

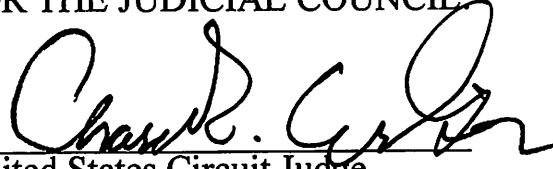
ON PETITION FOR REVIEW

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 23, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on November 8, 2021, and the petition for review filed by petitioner on December 13, 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. 11-21-90105

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

NOV 08 2021

David J. Smith
Clerk

IN THE MATTER OF A COMPLAINT FILED BY _____

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 July 2021 Complainant filed a civil complaint against a company, a motion for leave to proceed *in forma pauperis* (IFP), and a motion for referral to a volunteer attorney program. Later that month, the Subject Judge entered an order dismissing the complaint without prejudice for lack of subject-matter jurisdiction and denying all pending motions as moot. Complainant then filed a notice of consent to proceed before a magistrate judge, and the Subject Judge entered an order striking the notice because the case was closed.

The record also shows that in August 2021 Complainant filed another civil complaint against the defendant, an IFP motion, a motion for referral to a volunteer attorney program, and a notice of consent to proceed before a magistrate judge. Later that month, the Subject Judge issued an order dismissing the complaint without prejudice for lack of subject-matter jurisdiction and denying all pending motions as moot.

Complaint

In her Complaint of Judicial Misconduct or Disability, Complainant takes issue with the Subject Judge’s orders dismissing her complaints and denying her IFP status, asserting she provided evidence that her rights had been violated in a state court case. She takes issue with the Subject Judge’s finding that her cases were moot, noting she had

never reached a settlement with the defendant, and she appears to argue her First Amendment rights were violated.

Complainant also states that someone paid the fee for another case that was docketed under her name and that she would like the forgery investigated. Finally, she complains that she was denied access to electronic filing, cites various statutory and other provisions, states she seeks a monetary award, and attached various documents to her 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.

All of Complainant’s allegations concern the substance of the Subject Judge’s official actions, findings, rulings, and orders in the above-described cases, and the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” JCDR 11(c)(1)(B). For that reason, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) 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