

JAN 11, 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Acting Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-21-90134 through 11-21-90139

IN THE MATTER OF A COMPLAINT FILED BY:

IN RE: The Complaint of _____ against United States District
Judges _____ and _____ of the United States District Court
for the _____ District of _____ and United States Circuit
Judges _____, _____, _____, and _____ of the
United States Court of Appeals for the _____ Circuit, under the
Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364.

ORDER

_____ (“Complainant”) has filed this Complaint against
United States District Judges _____ and _____, and United
States Circuit Judges _____, _____, _____, and _____
(collectively, “the Subject Judges”), under the Act, 28 U.S.C. §

351(a), and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (“Judicial-Conduct Rules”).

Background

The record shows that in November 2018 Complainant filed a lawsuit against a company alleging the defendant violated the Americans with Disabilities Act, and Judge _____ was the district judge initially assigned to the case. After various proceedings, Judge _____ issued an order granting in part and denying in part a motion for summary judgment the defendant had filed.

Judge _____ then recused herself from the case, and it was reassigned to Judge _____. In June 2021 Judge _____ entered an order granting Complainant summary judgment on the remaining claim and enjoining and restraining the defendant from refusing to offer him a certain reasonable accommodation.

In May 2021 Complainant filed a judicial complaint against Judge _____, No. _____, alleging in part that she issued “Legal Bigoted Orders” in his case. In June 2021 Judge _____ issued an order dismissing the complaint as merits-related and based on insufficient evidence. Complainant filed a petition for review, and in October 2021 the Judicial Council Review Panel, which included Judges _____, _____, and _____, affirmed the disposition and denied the petition for review.

In June 2021 Complainant filed a judicial complaint against Judge _____, No. _____, requesting to have “Legal Bigoted

rulings” in his case corrected. In June 2021 Judge _____ issued an order dismissing the complaint as merits-related and based on insufficient evidence. Complainant filed a petition for review, and in October 2021 the Judicial Council Review Panel, which included Judges _____, _____, and _____, affirmed the disposition and denied the petition for review.

Complaint

Complainant alleges Judge _____ issued “Legal Bigoted Orders” in Judicial Complaint Nos. _____ and _____, and that he should have corrected district court orders or sealed the district court case until corrections could be made. He states he is “Blacklisted in the legal community” because Judge _____ did not correct errors and seal documents, and that he is being retaliated against for “turning in” Judge _____, which shows how “a non-attorney is abused by the Legally Bigoted Federal Courts and Clerks of Courts.”

Complainant then alleges the Judicial Council: (1) “by not correcting [Judge _____] and [the subject district judges’] orders, has agreed that a disabled non-attorney does not have rights under the Federal Civil Procedures or Laws”; (2) “enforced the Legal Bigoted Judges[’] mindset that Federal Courts are right in not permitting a non-attorney any rights under the law or due process”; (3) “don’t care about the continued retaliation of the non-attorney victim knowing that” a party in his case used the judicial-complaint orders against him; and (4) “refuse[d] to correct the Legal Bigoted” judicial-complaint orders. He also takes issue with the actions of

individuals other than the Subject Judges and he provided a flash drive that he states contains various exhibits.

Discussion

Judicial-Conduct Rule 4(b)(1) 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 explains the rationale for this rule as follows:

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.

In addition, the “Commentary on Rule 4” provides:

The phrase “decision or procedural ruling” is not limited to rulings issued in deciding Article III cases or controversies. Thus, a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related — in other words, as challenging the substance of the judge’s administrative

determination to dismiss the complaint — even though it does not concern the judge’s rulings in Article III litigation.

To the extent Complainant’s allegations concern the substance of the Subject Judges’ official actions, findings, rulings, and orders in the above-described district court case and judicial complaint matters, 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 the Subject Judges engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” under Judicial-Conduct Rule 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,” under Judicial-Conduct Rule 11(c)(1)(D). For those reasons, this Complaint is **DISMISSED**.

/s/ Adalberto Jordan
Acting Chief Judge