

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

11-21-90146

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL
APR 20 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 November 23, 2021, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on January 18, 2022, and the petition for review filed by petitioner on February 15, 2022. 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

JAN 18 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-21-90146

IN THE MATTER OF A COMPLAINT FILED BY:

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

ORDER

_____ (“Complainant”) has filed this Complaint against United States Magistrate Judge _____ (“the Subject Judge”), 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 July 2021 Complainant filed a complaint against the Commissioner of the Social Security Administration, and the case was referred to the Subject Judge. After various proceedings, the defendant filed a motion to dismiss for lack of jurisdiction. Complainant then filed a response in opposition, and a Clerk's Notice of Filing Deficiency was issued stating that the response was missing required signatures.

After that, Complainant filed, among other things, a motion to recuse the Subject Judge and the district judge. In January 2022 the Subject Judge denied the motion recuse to the extent it concerned the Subject Judge.

Complaint

Complainant states the Subject Judge is responsible for the Clerk of Court's behavior and he complains about various actions taken by clerk's office employees, including that employees: (1) prevented him from filing his response to the motion to dismiss at the courthouse by taking "personal days," and caused the court to be illegally closed in violation of his due process rights; (2) failed to attend an appointment without first notifying him; (3) failed to promptly upload his documents; (4) lied by stating he did not sign the response; (5) yelled at him on the telephone and told him he needed to sign every document with a pen; and (6) failed to return his call. He also complains that a Court Security Officer gave him telephone numbers that did not work. He requests, among other

things, that the Subject Judge be removed from the case because the “case is now tainted by due process irregularities committed by the Court.”

Discussion

Complainant’s claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge 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,” under Judicial-Conduct Rule 11(c)(1)(D). For that reason, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge