

FEB 14 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-22-90007 and 11-22-90008

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 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.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Magistrate Judge \_\_\_\_\_ and United States District Judge \_\_\_\_\_ (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 July 2021 Complainant filed a civil complaint and an amended complaint against multiple defendants, as well as a motion for leave to proceed *in forma pauperis* (IFP). One defendant filed a motion to dismiss and a motion to stay discovery, and Judge \_\_\_\_\_ granted the motion to stay discovery. Complainant then filed a motion to amend judgment, which Judge \_\_\_\_\_ construed as a motion for reconsideration and denied.

In November 2021 Judge \_\_\_\_\_ issued an order granting Complainant’s IFP motion, denying the defendant’s motion to dismiss, and directing Complainant to file an amended complaint that complied with the applicable pleading standards. On the same day, Complainant filed an amended “Complaint and Request for Injunction.” She later filed a motion for an extension of time to file an amended complaint and a motion for the appointment of counsel. In December 2021 Judge \_\_\_\_\_ entered an order granting the motion for extension of time, directing Complainant to file an amended complaint by January 18, 2022, and denying her motion for appointment of counsel.

On January 18, 2022, Complainant filed a motion for a directed verdict and a judgment notwithstanding the verdict. The next month, Judge \_\_\_\_\_ issued a report recommending that Complainant’s motion be denied and that the case be dismissed.

Judge \_\_\_\_\_ found (1) Complainant’s original filings failed to comply with the applicable pleading standards and failed to state a claim on which relief could be granted; and (2) she failed to comply with court orders directing her to file an amended complaint.

### **Complaint**

Complainant alleges the Subject Judges violated 28 U.S.C. § 636 and that Judge \_\_\_\_\_ negligently allowed Judge Fuller to abuse her and to act without authority. She alleges Judge May disregarded the law and abused her position by referring a request for injunctive relief to a magistrate judge.

Next, Complainant states that (1) Judge \_\_\_\_\_ engaged in “fraud, deception and abuse” by having multiple deputy clerks; (2) Judge \_\_\_\_\_ signature on an unidentified document was “of a fraudulent nature”; and (3) Judge \_\_\_\_\_ “is accused of portraying dual roles as deputy clerk and district judge presiding over her own cases as Administration Actions.” Finally, Complainant appears to allege the Subject Judges orchestrated a racketeering scheme to collect property from pro se individuals.

### **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.

To the extent Complainant’s allegations concern the substance of Judge \_\_\_\_\_ official actions or of Judge \_\_\_\_\_ official actions, findings, rulings, orders, or report in the above-described case, the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Apart from the decisions or procedural rulings Complainant challenges, she provides no credible facts or evidence in support of her claims that the Subject Judges engaged in a racketeering scheme or otherwise 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/ William H. Pryor Jr.  
Chief Judge