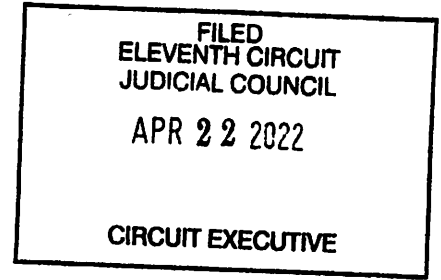


**FOR THE JUDICIAL COUNCIL
OF THE ELEVENTH CIRCUIT**

11-22-90010



**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 January 31, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on February 22, 2022, and the petition for review filed by petitioner on March 8, 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

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

11-22-90011

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

APR 22 2022

CIRCUIT EXECUTIVE

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

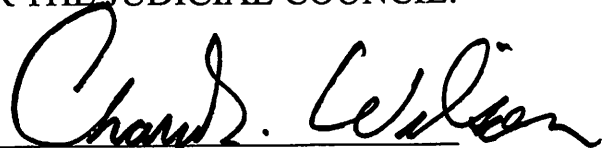
ON PETITION FOR REVIEW

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 January 31, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on February 22, 2022, and the petition for review filed by petitioner on March 8, 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

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

11-22-90012

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

APR 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 January 31, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on February 22, 2022, and the petition for review filed by petitioner on March 8, 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

FEB 22 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-22-90010 through 11-22-90012

IN THE MATTER OF A COMPLAINT FILED BY:

IN RE: The Complaint of _____ against United States Magistrate Judges _____ and _____ 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.

ORDER

_____ (“Complainant”) has filed this Complaint against United States Magistrates Judges _____ and _____ 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”).

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statement is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record shows that in November 2020 Complainant filed a 28 U.S.C. § 2254 petition for writ of habeas corpus raising various challenges to certain state court convictions. He also filed a motion for leave to proceed *in forma pauperis* (IFP), and on November 18, 2020, Judge _____ entered an order granting the IFP motion, directing Complainant to amend his petition within 30 days to include all possible claims, and directing the respondent to file an answer within 60 days.

In December 2020 Complainant filed an amended § 2254 petition and a “Motion to Strike Answer” in which he appeared to contend that the respondent failed to file a timely response in state court proceedings. On December 18, 2020, the respondent filed an answer to the § 2254 petition and a motion to dismiss the petition for lack of exhaustion. Complainant then filed additional motions seeking various types of relief.

In January 2021 Judge _____ issued a report recommending that (1) the respondent’s motion to dismiss be granted; (2) the action be dismissed without prejudice for failure to exhaust state court remedies; and (3) Complainant be denied a certificate of

appealability. Judge _____ also denied Complainant’s motion to strike and other motions he had filed. In March 2021 Judge _____ adopted the recommendation, dismissed the § 2254 petition without prejudice, and denied Complainant a COA on the ground that he failed to make a substantial showing of the denial of a constitutional right.

The record shows that in January 2021 Complainant filed a prisoner civil rights complaint against multiple defendants. He also filed a motion for leave to proceed IFP, which Judge _____ granted. In June 2021 Judge _____ issued a report recommending that the complaint be dismissed without prejudice for failure to state a claim on which relief could be granted. After that, Complainant filed objections to the report and an amended complaint.

In July 2021 Judge _____ entered an order (1) stating that the amended complaint was the operative pleading; (2) finding the allegations in the amended complaint “virtually mirror[ed]” those in the original complaint; (3) adopting the reasoning and conclusions from the report and recommendation to the extent they applied to the amended complaint; and (4) dismissing the amended complaint without prejudice for failure to state a claim. Complainant filed a motion for reconsideration and other motions, all of which Judge _____ denied.

The record also shows that in October 2021 Complainant filed a “Petition for a Three-Judge Court” in which he named a state court as the respondent, and the matter was docketed as a complaint seeking relief pursuant to 42 U.S.C. § 1983. Complainant

then filed, among other things, a motion to recuse Judge _____ and another Petition for a Three-Judge Court. In December 2021 Judge _____ entered an order denying Complainant's motions and directing him to recast his claims on the court's form for use by prisoners seeking habeas relief pursuant to § 2254. After that, Complainant filed another Petition for a Three-Judge Court and multiple motions seeking various types of relief.

Complaint

Complainant alleges that Judge _____ January 2021 report and recommendation in the § 2254 proceeding was the result of "recklessness and indifference," and that Judge _____ misrepresented facts, "knowingly and willingly denied" Complainant his constitutional rights, and engaged in "improper judicial actions" that prevented Complainant from appealing. He also states Judge _____ should not have allowed the respondent to file an out-of-time response and illegally denied Complainant's motion to strike.

Next, Complainant asserts that Judge _____ and Judge _____ (1) deliberately disregarded "unconstitutional trial errors," which showed "actual prejudice and bias against [his] constitutional rights"; (2) conspired with each other to "take[] advantage" of his habeas petition; (3) used circular logic to make an illegal ruling; (4) committed crimes against the Constitution; (5) violated their oaths of office; (6) falsified documents; and (7) falsely imprison him.

Complainant asserts that Judge _____ denied the habeas petition so he could rule against Complainant in the civil action and to support corruption in the state court. Complainant then states that Judge _____ previously was a state court judge and that he overlooked “constitutional trial errors” and recklessly disregarded Complainant’s rights “by using procedural tactics” to protect state officials with whom he was “well connected.” Complainant also asserts that Judge _____ was aware the respondents in his habeas case were in contempt of a state statute for failing to file an answer.

Complainant contends Judge _____ intentionally misconstrued his motions by stating he filed an amended § 1983 complaint when he instead requested a three-judge panel, and that Judge _____ mooted three pleadings because it would expose corruption of state court judges. Complainant states the Subject Judges should be recused from his cases for showing partiality and bias and that they are aware Complainant is being held illegally and falsely imprisoned. He also takes issue with the actions of individuals other than the Subject Judges.

Supplement

In Complainant’s supplemental statement, he generally reiterates his allegations and additionally alleges that Judge _____ and Judge _____ discriminated against him because of his race.

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 the Subject Judges’ official actions, findings, rulings, reports, recommendations, 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 the Subject Judges acted with an illicit or improper motive, were part of a conspiracy, were biased or prejudiced, made misrepresentations, falsified documents, discriminated against him, 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