

DEC 12 2023

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-23-90140

ORDER

An individual has filed a Complaint against a United States district judge under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States.

Background

The record shows that Complainant filed an employment-discrimination complaint against multiple defendants, and the defendants later filed motions to dismiss. Complainant filed a motion for appointment of counsel and another document in which she repeatedly used the word “kill.” The Subject Judge then issued an order granting the defendants’ motions to dismiss and denying Complainant’s motion for appointment of counsel. With respect to the motion for appointment of counsel, the Subject Judge stated in

part that Complainant had experience litigating previous cases and that she appeared capable of adequately presenting her case.

Complaint

Complainant alleges the Subject Judge discriminated against her based on her race, worked in concert with others to ensure she did not win her case, lied in her dismissal order, and was not impartial. Complainant takes issue with the denial of her motion for appointment of counsel and the finding that she had experience from past cases, contending the denial was a “criminal act” and that she needed an attorney because she was not treated fairly in her prior cases. Next, Complainant alleges the Subject Judge put her in fear that a U.S. Marshal “was coming after me” because she wrote a letter with the word “kill” in it, and that the Subject Judge worked with another individual to perpetrate this “hoax.” She also raises allegations against individuals other than the Subject Judge, and she attached documents to her Complaint.

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.

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainant's allegations concern the substance of the Subject Judge's official actions, rulings, findings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judge's decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Complainant's remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge