

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL
OCT 16 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90055

ORDER

Before: WILSON, JILL PRYOR, and GRANT, Circuit Judges;
WALKER and BEAVERSTOCK, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. 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.

Done this 16th day of October, 2024.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

JUN 07 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90055

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 a *pro se* civil complaint against two defendants, an amended complaint, and an emergency motion for a temporary restraining order concerning certain foreclosure proceedings. The Subject Judge entered an order denying the motion for a temporary restraining order for failure to show a substantial likelihood of success on the merits. The defendants later filed a motion for extension of time to respond to the amended complaint, which the Subject Judge granted. Complainant then filed a second amended complaint and a motion for

reconsideration of the order denying her motion for a temporary restraining order, and the Subject Judge denied the motion for reconsideration. The case remains pending.

The record also shows that, during the pendency of the first case, Complainant filed in state court a *pro se* lawsuit against two defendants, and a defendant removed the case to federal court. Complainant then filed a motion to recuse the Subject Judge, alleging she had imposed strict deadlines, made arbitrary decisions, was biased in favor of the defendants, and had exhibited a lack of courtesy. A magistrate judge issued a report noting that Complainant's allegations appeared to concern the Subject Judge's actions in the first case, recommending that the motion to recuse be denied, and recommending that the case be consolidated with first case. Complainant filed objections to the report and recommendation, and the case remains pending.

Complaint

Complainant states, "Despite presenting my case diligently and professionally, I have been met with strict guidelines and seemingly arbitrary decisions." In support, Complainant states that she sought clarification regarding a temporary restraining order to prevent a foreclosure scheduled for the next day, but instead of addressing her concerns, the Subject Judge "sent me home and dismissed my inquiries opting to communicate their decision via mail, leaving me without recourse or opportunity for immediate action but bankruptcy." She states the Subject Judge then granted the defendant's motion for additional time to answer "without giving me

even notice of them filing the request.” Complainant contends that throughout the process she has “observed a distinct lack of courtesy and impartiality from the Court, especially towards me as a pro se plaintiff,” and that the Subject Judge is biased against her.

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 cases, 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 was biased or otherwise not impartial, treated her in a demonstrably egregious and hostile manner, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge