

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

OCT 16 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90056 through 11-24-90058

ORDER

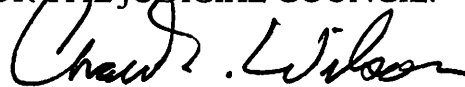
Before: WILSON, JILL PRYOR, and GRANT, Circuit Judges;
WALKER and BEAVERSTOCK, Chief District Judges.

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

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ORDER

An individual has filed a Complaint against three United States circuit judges 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 civil complaint against two defendants and an emergency motion for a temporary restraining order concerning certain foreclosure proceedings. The district court entered an order denying the motion for a temporary restraining order. Complainant later filed a motion for reconsideration of that order, the district judge denied the motion, and Complainant appealed.

On appeal, Complainant filed a “Motion for a stay of execution regarding Temporary Restraining Order,” and a panel composed of the Subject Judges denied the motion. Complainant then filed a “Motion for Explanation of Denial of Motion for Stay of Execution.” This Court later clerically dismissed the appeal for want of prosecution because Complainant failed to file a brief. Afterward, the Subject Judges entered an order denying the motion for an explanation.

Complaint

Complainant states she sought clarification concerning a temporary restraining order, but instead of addressing her concerns, the Subject Judges “decided to uphold the illegal proceeding” and denied her motion for a temporary restraining order “without any legal reason.” She also states that the dismissal of her case for failure to file a brief “makes no sense.” She requests that her case be reviewed and that “any instances of bias or misconduct” be addressed.

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 Judges’ orders on appeal, the allegations are directly related to the merits of the Subject Judges’ 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 Judges were biased 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