

JUL 19 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90135

ORDER

An individual has filed a Complaint against a United States bankruptcy 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 establishes that Complainant filed a *pro se* voluntary petition for Chapter 13 bankruptcy. The trustee later filed a motion objecting to confirmation of the plan, and Complainant filed a motion to extend the automatic stay. After a hearing, the Subject Judge entered an order granting the trustee’s motion, finding Complainant was not eligible for a discharge, and denying Complainant’s motion to extend the stay because it had terminated.

Complainant then filed a motion seeking to assign the case to a new judge and a new trustee on the ground that the Subject Judge and trustee were biased against her. She also filed a motion to reconsider the order denying her motion to extend the stay. The Subject Judge entered an order denying the motion to assign a new judge and trustee and ruled in part that an objective observer would not conclude that she was biased against Complainant. Complainant then filed another motion to extend the stay, as well as a motion stating that a creditor had not complied with the law and harassed her. The trustee filed a supplemental objection to confirmation of the plan and a motion to dismiss the case. After a hearing, the Subject Judge entered an order dismissing the case. Complainant filed a motion for reconsideration, which the Subject Judge denied.

Complaint

Complainant states that the Subject Judge dismissed the case despite being aware that creditors were committing crimes and violating her rights, and she alleges the Subject Judge ignored the crimes “due to nepotism and favoritism for attorneys.” Complainant states that after she filed motions to reopen the case and to recuse, the Subject Judge “discouraged me and told me the evidence I presented was not evidence,” despite evidence that a creditor harassed her and violated the bankruptcy stay.

Complainant states, “I believe [the Subject Judge] is biased against me due to not having an attorney and has no real understanding of a filer being harassed by a creditor to this extent to

cause ongoing delays and obstacles and I believe for reasons I cannot prove my bankruptcy case was dismissed even with knowledge of the abuse, harassment and crimes being committed against me.” Complainant further states that she was “treated like a criminal for seeking protection against homelessness” and, “I believe I am being discriminated against based on my race and then bankruptcy filers are being treated as sub human even though filing bankruptcy is not always the fault of the person filing” Finally, she complains about delay in ruling on her motion for reconsideration and states that her “requests are being ignored all together.”

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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as 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 was biased, discriminated against Complainant, 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