

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

OCT 16 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-24-90167 through 11-24-90169

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**ORDER**

Before: WILSON, ROSENBAUM, and LAGOA, 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 16<sup>th</sup> day of October, 2024.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

JUL 25 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-24-90167 through 11-24-90169

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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 establishes that Complainant filed a voluntary petition for Chapter 13 bankruptcy, and after various proceedings, she filed motions for contempt and sanctions against a creditor. The bankruptcy court entered an order denying the motions on the grounds that certain disputed fees had not been discharged and that *res judicata* barred Complainant from bringing claims already adjudicated by the court. The district court, acting in an appellate capacity, affirmed the bankruptcy court's order denying Complainant's motions.

On appeal to this Court, a panel composed of the Subject Judges affirmed because Complainant's *pro se* appellate brief failed to contest the bankruptcy court's independently sufficient ruling that her arguments were barred by *res judicata*. Complainant filed a petition for panel rehearing, which the panel denied.

### **Complaint**

Complainant alleges the Subject Judges discriminated against her because she is not a lawyer and is a female over 60 years old. She contends that the Subject Judges' opinion "was guided by opposing counsel's history of events and facts" and "repeated almost word for word opposing counsel's history of facts and their legal argument-which are wrong." Complainant states the Subject Judges "would not listen to me and let me show them" a certain confirmation order and statutory provision, failed to read her brief, and "made up excuses why they could not correct the trial court's error." 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 Judges' official actions, rulings, order, and opinion in the above-described 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 discriminated against her 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