

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 No. 11-24-90170

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**ORDER**

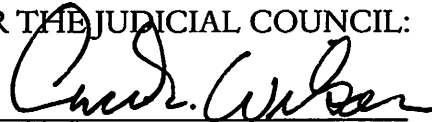
Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges; WALKER and BEAVERSTOCK, Chief District Judges.

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

AUG. 06 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 a United States magistrate 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 civil complaint and an amended complaint against multiple defendants, and the case was later transferred to the Subject Judge’s court. The Subject Judge then issued an order directing Complainant to file a second amended complaint. After the deadline to file a second amended complaint passed, the Subject Judge issued a report recommending that Complainant’s first amended complaint be dismissed for failure to state a claim on which relief could be granted.

Over Complainant's objections, a district judge adopted the report and recommendation and dismissed the case.

The record also establishes that Complainant filed another civil complaint against multiple defendants. The Subject Judge entered an order transferring the case to another court in the interests of justice.

### **Complaint**

Complainant alleges that in his report and recommendation in the first above-described case, the Subject Judge "made a series of false statements," "failed to exercise a duty of care," and intentionally inflicted emotional distress on her, and she purports to show "why and how" the Subject Judge "erred" under state law. Complainant also alleges the Subject Judge's report and recommendation shows that he "was negligent and unfit for his position" and "biased against ... Black officials."

Complainant contends that the Subject Judge "erred" by transferring the second above-described case to another court when that court lacked jurisdiction over the matter, and she alleges the decision was biased, negligent, and intentionally inflicted emotional distress on her. She attached a document 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, report and recommendations, 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 made false statements, was 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