

AUG. 09 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90173 through 11-24-90177,
11-24-90182, and 11-24-90184 through 11-24-90186

ORDER

Nine individuals have filed Complaints 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.

As an initial matter, these complaints are not being considered to the extent they raise allegations that have previously been considered. *See* General Order 2024-J (available at www.ca11.uscourts.gov); Judicial-Conduct Rule 11(c)(2) (indicating that when a complaint repeats allegations of a previously dismissed complaint, it is appropriate to address only allegations that have not previously been considered).

Background

The record shows that the Subject Judge was assigned to a criminal case in which a former political office holder was one of the defendants. After various proceedings, the Subject Judge scheduled a hearing on a certain issue and permitted *amici curiae* to present oral argument. The Subject Judge later issued an order dismissing the superseding indictment.

Discussion

These complaints collectively raise three allegations that have not previously been considered in connection with General Order 2024-J.

1. Dismissal of the Case

All of the complaints take issue with the Subject Judge's dismissal of the above-described case, alleging the decision shows she is biased or incompetent. One complaint states that the dismissal "is another example of her inability to provide unbiased interpretation of previously established laws and procedures." One states that dismissal "on a frivolous technicality is a complete overreach of her judicial authority" and was "disgusting, improper and unlawful." And four complaints state her rationale for dismissing the case was "palpably false." One complaint also complains that she allowed non-parties to make arguments in court.

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.

To the extent these claims 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). Apart from the merits of the Subject Judge’s decisions or procedural rulings, the claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge was biased, was incompetent, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D).

2. Requests From Other Judges

Four complaints state that two federal judges privately urged the Subject Judge to decline the case when she was first assigned and to pass it to a more experienced judge.

Even if the Subject Judge chose to stay on the case after other federal judges asked her not to accept the case, that action would not constitute cognizable misconduct. Judicial-Conduct Rule 11(c)(1)(A). Furthermore, to the extent these claims concern the substance of the Subject Judge's decision not to recuse, the allegations are directly related to the merits of the Subject Judge's decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B).

3. Conflict of Interest

Four complaints assert that the Subject Judge's husband worked for an "ex-mobster" who was a close ally of the defendant, which was "how [the Subject Judge] received her judgeship."

This claim is based on allegations lacking sufficient evidence to raise an inference that the Subject Judge had a conflict of interest or otherwise engaged in misconduct based on her husband's relationships. Judicial-Conduct Rule 11(c)(1)(D).

Conclusion

These Complaints fail to present a basis for a finding of misconduct. For the reasons explained above, these Complaints are **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge