

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL
OCT 16 2024
CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90181

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 16th 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

Judicial Complaint No. 11-24-90181

ORDER

An individual has filed a Complaint 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.

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. A magistrate judge issued a report recommending that the amended complaint be dismissed for failure to state a claim on which relief could be granted. Over Complainant’s objections, the Subject Judge adopted the report and recommendation and dismissed the case.

The record also establishes that Complainant and others filed a civil complaint against multiple defendants and a motion to

proceed *in forma pauperis*. A magistrate judge denied the *in forma pauperis* motion because Complainant had the financial resources to pay the filing fee. Complainant filed a motion to vacate the magistrate judge's order. The magistrate judge then issued a report recommending that the case be dismissed due to Complainant's failure to pay the filing fee. Over Complainant's objections, the Subject Judge entered an order adopting the report and recommendation, dismissing the case, and warning Complainant that her ability to file could be restricted if she continued to submit repetitive claims.

The record further establishes that Complainant filed another civil complaint against multiple defendants, and a magistrate judge entered an order transferring the case to another court in the interests of justice.

Complaint

Complainant alleges that by adopting the report and recommendation in the first above-described case, the Subject Judge made false statements, "grossly erred," exhibited "gross negligence," "condoned" improper and illegal behavior by the defendants, and intentionally inflicted emotional distress on her. With respect to the second above-described case, Complainant alleges the Subject Judge harassed her, caused her injury, and "interfered with the jurisdiction" of another court by "citing a case that has zero jurisdiction." Finally, Complainant asserts that the Subject Judge was grossly negligent and erred by transferring the third above-described case to a court that lacked jurisdiction.

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, 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, harassed 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