



CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90183

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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 5<sup>th</sup> day of November, 2024.

FOR THE JUDICIAL COUNCIL:

A handwritten signature in cursive script, appearing to read "Charles D. Wilson".

United States Circuit Judge

AUG. 15 2024

David J. Smith  
Clerk

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Before the Chief Judge of the  
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**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 against multiple defendants. The defendants later filed a motion to dismiss the complaint and a motion to stay discovery pending a ruling on their motion to dismiss. Complainant filed a response in opposition to the motion to stay, and the next day, the Subject Judge entered an order granting the motion to stay. The case remains pending.

## **Complaint**

Complainant states the Subject Judge granted the defendants' motion to stay "without ensuring proper service" and "without adequately considering the Plaintiff's timely objections," which violated her "procedural rights." She states, "This action suggests a potential lack of impartiality and due process," the "circumstances surrounding this approval compromise the integrity of the judicial process by raising doubts about its fairness," and the ruling "raises concerns about the possibility of ex parte communication between" the Subject Judge and the defendants' attorney.

Complainant contends the Subject Judge failed to provide her adequate guidance in the case, "compromising her ability to seek justice and fair treatment." She states the Subject Judge has inconsistently handled her motions "compared to the expedited approval of the Defendants' Motion to Stay without proper service." Finally, she states, "These events collectively suggest a pattern of judicial misconduct involving procedural violations, unfair treatment, potential ex parte communication, and inconsistent handling of motions that undermine the fairness and integrity of the judicial process."

## **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 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 not impartial, engaged in improper *ex parte* communications, 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