

AUG. 26 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90191

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.

As an initial matter, this complaint is not being considered to the extent it raises 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 establishes 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 issued an order dismissing the superseding indictment.

Complaint

Complainant states the Subject Judge “was going to allow many people to look at Top Secret Records without a clearance,” “is incompetent, and does not know the law, nor does she know how to proceed in a criminal trial.” She alleges that the Subject Judge criminally interfered in the above-described case, asserts that “[i]t will be proved that [the Subject Judge] was working for [the defendant] and dismissed this case for him,” and alleges the Subject Judge is “following the guidance” of the defendant and a certain organization.

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 acted with an illicit or improper motive, was incompetent, was biased in favor of the defendant, 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