

AUG. 26 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90192 and 11-24-90193

ORDER

An individual has filed a Complaint against a United States district judge and 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 *pro se* amended civil complaint against multiple defendants. The Subject Magistrate Judge issued a non-final report recommending that one of Complainant's claims be allowed to proceed, that all the remaining claims be dismissed, and that one defendant be dismissed as a party. The Subject District Judge entered an order adopting the report and recommendation. The remaining defendants and Complainant then filed motions for summary judgment.

After additional proceedings, the Subject Magistrate Judge issued a final report recommending that the defendants' motion for summary judgment be granted and that Complainant's motion for summary judgment be denied. Over Complainant's objections, the Subject District Judge entered an order adopting the final report and recommendation. The Subject District Judge also imposed certain restrictions on Complainant's ability to file additional *pro se* documents in the light of her excessive filings and abusive emails to the defendants.

The record also establishes that Complainant filed another amended *pro se* civil complaint against multiple defendants. The Subject Magistrate Judge issued a non-final report recommending that one claim be allowed to proceed, that all other claims be dismissed, and that two defendants be dismissed as parties. The Subject District Judge adopted the report and recommendation. The defendants then filed motions to dismiss. After additional proceedings, the Subject Magistrate Judge issued a final report recommending that the defendants' motions to dismiss be granted. Over Complainant's objections, the Subject District Judge entered an order adopting the final report and recommendation and dismissing the case.

Complaint

Complainant alleges that in the above-describes cases, the Subject Judges "failed to exercise a duty of care," violated her due process rights, acted without jurisdiction, "erred in saying that [Complainant] only sent one response to the Report and

Recommendation, which is not true,” refused to address issues she raised, improperly sanctioned her, and discriminated against her because she was *pro se*. She also states the Subject District Judge was “grossly negligent” and contends the cases should have been transferred to another jurisdiction. She attached documents 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 Judges’ official actions, findings, rulings, reports, and orders in the above-described cases, the allegations are

directly related to the merits of the Subject Judges' 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 Judges discriminated against 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