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CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90194

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 25th day of November, 2024.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

SEP 03 2024

David J. Smith
Clerk

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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 an amended *pro se* employment-discrimination complaint against her former employer and a motion for a default. Complainant then filed multiple motions for a default or a default judgment, which a magistrate judge denied. After additional proceedings, the defendant filed a motion for sanctions, arguing that Complainant failed to comply with her discovery obligations and court orders. After a hearing, the magistrate judge issued a report recommending that the motion for sanctions be granted in part and that the case be

dismissed due to Complainant's failure to prosecute, failure to participate in discovery, and failure to abide by court orders. The Subject Judge adopted the report and recommendation and dismissed the case with prejudice.

Over a year later, Complainant filed a "Request to Pay Out Settlement for Case" contending the case should have ended with a default judgment against the defendant. The Subject Judge issued an order construing the filing as a motion to reconsider the order denying her sixth motion for default and denying it. Complainant filed objections to the order and again moved for a default judgment and payment of a settlement. The Subject Judge entered an order denying the motion on the ground that Complainant's arguments were frivolous and stating that the action was "finished."

Almost four years later, Complainant filed another motion for a default judgment and for payment of a settlement. The Subject Judge entered an order denying the motion and directing the clerk to return to Complainant any future document requesting a default judgment, the payment of a settlement, or any other monetary relief. Complainant then filed various documents, including two motions to assign a new judge, and the Subject Judge entered orders denying the motions and warning Complainant that future frivolous filings could result in monetary sanctions.

Complaint

Complainant states she prevailed in the above-described case because the defendant failed to respond to certain pleadings in a timely manner. She alleges the Subject Judge handled the case

improperly, used an order to prevent her from filing documents and obtaining “an award letter and settlement funds,” and did not release settlement funds to her because she was proceeding *pro se*. Finally, she complains the Subject Judge did not recuse himself from the case. 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 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 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