

AUG. 26 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90195 and 11-24-90196

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

Complainant states she is the daughter of a plaintiff who filed multiple civil actions. The record establishes that in one case, the plaintiff filed a *pro se* amended civil complaint against multiple defendants. The Subject Magistrate Judge issued a non-final report recommending that one of the plaintiff'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 the plaintiff 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 the plaintiff's motion for summary judgment be denied. Over the plaintiff's objections, the Subject District Judge entered an order adopting the final report and recommendation.

The record also establishes that in another case, the plaintiff 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 the plaintiff's objections, the Subject District Judge entered an order adopting the final report and recommendation and dismissing the case.

The record further establishes that in a third case, the plaintiff filed a third *pro se* civil action against multiple defendants. After the plaintiff voluntarily dismissed certain defendants, the Subject Magistrate Judge ordered that the case be transferred to another court because venue was proper in that district.

Complaint

Complainant alleges that in the plaintiff's cases, the Subject Judges were "grossly negligent," acted without jurisdiction,

interfered with the jurisdiction of another court, were corrupt, harassed the plaintiff, and discriminated against the plaintiff because she did not have a lawyer.

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, 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 harassed or discriminated against the plaintiff or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge