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David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90220

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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 *pro se* civil complaint against three defendants, a motion to proceed *in forma pauperis*, and a motion for referral to a volunteer attorney program. The Subject Judge entered orders denying the *in forma pauperis* motion, denying the motion for referral, and dismissing the complaint without prejudice. Complainant filed an amended complaint, which the Subject Judge dismissed without prejudice for failure to cure the deficiencies from the initial complaint. Complainant then

filed additional motions, and the Subject Judge entered an order restricting her from filing future *pro se* filings in the case.

The record also establishes that Complainant filed another *pro se* civil complaint against multiple defendants and a motion to proceed *in forma pauperis*. The Subject Judge entered an order denying the *in forma pauperis* motion and dismissing the complaint without prejudice. Complainant then filed additional motions, and the Subject Judge issued orders striking the filings and restricting Complainant from filing further documents in the case.

### **Complaint**

Complainant states the Subject Judge is being influenced and “refused my filing.” She attached, among other things, a motion to recuse in which she stated she was “directed to file through an attorney” but her motion to appoint counsel was denied, “I need to be represented and I am simply being subjected to any and all behaviors the Attorneys bestow upon me,” and “Every single day attempts are made to coerce me into submission.”

### **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 cases, 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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge