

FEB 19 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90243

ORDER

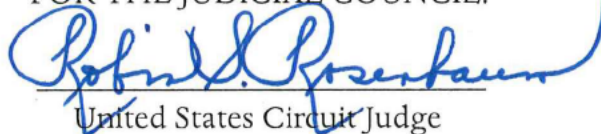
Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; WALKER and BEAVERSTOCK, Chief District Judges.

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 29th day of January, 2025.

FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

OCT 31 2024

CONFIDENTIAL

David J. Smith
Clerk

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90243

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 and another individual filed a second amended civil complaint against multiple defendants. After various proceedings, the Subject Judge entered an order that, among other things, granted in part and denied in part the defendants’ joint motion to dismiss and granted the defendants’ joint motion for summary judgment. The defendants filed a motion for attorneys’ fees and costs. The plaintiffs filed a motion to toll the time to file a motion for reconsideration, to file

electronically, and for referral to a volunteer attorney program, and the Subject Judge denied the motion.

Complainant then filed a motion to vacate the order, contending it was issued due to the Subject Judge's prejudice and in violation of Complainant's constitutional rights, and she complained that the Subject Judge used the term "plaintiffs" when only Complainant filed the motion. She also filed a motion to strike the defendants' motion for fees and costs due to their failure to comply with certain local rules. In addition, she filed a motion seeking, among other things, to toll the statute of limitations due to the defendants' alleged fraudulent concealment of material facts. The Subject Judge initially ordered the motions stricken, and Complainant filed a notice of appeal. After additional filings, the Subject Judge entered an order vacating her previous order striking Complainant's motions, and instead denied the motions as moot because the court lacked jurisdiction to grant the relief sought.

Complaint

Complainant alleges the Subject Judge has demonstrated "a clear bias against me and my case," which resulted in a violation of her constitutional and other fundamental rights. She complains that the Subject Judge struck her motion to vacate without a legitimate reason instead of addressing the evidence she presented, and that she repeatedly struck other motions she filed "despite my substantial time and financial investment as a pro se litigant." Complainant states, "I believe that these dismissals are an attempt to suppress my evidence and prevent a comprehensive investigation

of my claims.” She also states, “It is particularly concerning that the judge took these actions even after I had filed a notice of appeal, exceeding her jurisdiction over 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, was biased, 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