

JAN 10 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90277

ORDER

An individual has filed a Complaint against a United States circuit 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 employment-discrimination complaint against one defendant. After various proceedings, a district judge entered an order granting the defendant’s motion for summary judgment. On appeal, a panel of this Court that included the Subject Judge affirmed. The panel determined in part that Complainant did not identify any disability from which she suffered or provide her employer any information about how her requested accommodation would accommodate that

disability. Later, Complainant filed identical complaints of misconduct against all judges on the panel of this Court.

Complaint

Complainant alleges the Subject Judge violated her due process rights, failed to properly consider evidence and arguments, “failed to ensure a fair trial by allowing multiple discussions that did not contribute to resolving the central legal questions presented,” gave time and attention to “irrelevant details,” made a false statement that Complainant failed to identify a disability, exhibited bias or partiality, made “statements that reveal ignorance about established medical knowledge or societal issues related to pregnancy and childbirth,” made assertions that were “not supported by medical literature and clinical guidelines,” and abused his discretion by making decisions that were “arbitrary, malleable, and not based on the facts or law presented.” Complainant states that the Subject Judge’s actions have “inflicted profound and enduring harm” on her and have had “devastating personal and professional consequences.” She attached a document 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 and opinion in the above-described appeal, 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 was biased or prejudiced, made a false statement, 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