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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90026

ORDER

An individual has filed a Complaint against a United States bankruptcy 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* voluntary petition for Chapter 11 bankruptcy. A status conference was held before the Subject Judge, and the Subject Judge issued an order continuing the status conference and directing Complainant to attend the continued hearing in person. Complainant then filed an emergency motion for accommodations, under the Americans with Disabilities Act, to appear at the status conference by Zoom because she was unable to drive due to a disability. She also filed a motion to disqualify the Subject Judge because he allegedly treated

her in a hostile manner at the status conference, had a conflict of interest because he previously worked at a law firm that represented large banks, had an “extreme hatred” for her, “wants me dead,” and discriminated against her based on her disabilities.

The Subject Judge entered an order denying Complainant’s motion to appear by Zoom at the status conference. The order provided that the Subject Judge had allowed Complainant to appear by Zoom at the initial status conference, she and her daughter were unable to turn on their video, and her daughter continuously interrupted the court and failed to comply with the court’s directive to let the other parties conclude their statements before responding. The order stated that Complainant waited weeks to seek relief from the order directing her to appear at the continued hearing in person and that she provided no proof as to any medical condition. In a footnote, the order stated that Complainant had “set forth fantastical and unsubstantiated allegations in multiple pleadings in this case.” Complainant filed a notice of appeal.

After the continued status conference, a bank, as creditor, filed a motion to dismiss the case. The Subject Judge then entered orders dismissing Complainant’s appeal for failure to pay the filing fee, denying the motion for disqualification as meritless, and scheduling a trial on the motion to dismiss. The case remains pending.

Complaint

Complainant alleges that the Subject Judge previously worked at a law firm where he represented large banks, had a conflict of interest because banks were involved in the case, failed to

disclose the conflict of interest, and was biased and prejudiced in favor of his “former clients the banks.” Complainant states the Subject Judge should have recused himself from the case, but “[i]nstead, he decided to treat me in a demonstrably egregious and hostile manner, verbally scream at me, not allow me to speak, deny me equal access to court proceedings, weaponize my disabilities against me, insult my disabilities, commit deliberate ADA (Americans with Disabilities Act) violations and deliberate discrimination, commit violations of due process and civil rights violations and verbally scare and intimidate me.”

Complainant alleges that, at the first status conference, the Subject Judge entered the courtroom in a “foul mood and was screaming and yelling before he even sat down in his chair ‘there won’t be another hearing,’” would not allow her to speak or “to refute blatant falsehoods by the bank,” “manipulat[ed] the court record to benefit the bank,” “scream[ed] loudly and repeatedly ‘when are you going to get your money,’” repeatedly screamed “‘shut up,’” caused her to experience a “medical emergency and chest pains so I can’t respond,” “was full of rage and hatred the whole hearing,” “displayed outrageous and unnecessary cruelty, with his screaming and yelling,” and screamed at her to “shut up” when he knew she was not talking in order to manipulate the outcome of the case.

Next, Complainant alleges the Subject Judge discriminated against her on the basis of her disabilities to give the banks an advantage in the case. She alleges the Subject Judge made

“inappropriate comments” about her “damaged vision,” and she states, “He glared at me with hatred and said something like I’m gonna ‘look you in the eyes’ or ‘stare you in the eyes’ and he used a scary vicious hateful nasty frightening tone of voice when he said it.” She also states the Subject Judge knows she cannot drive a car due to her disabilities, and that he deliberately prevented her from being able to participate in hearings, violated her due process rights, and was part of a conspiracy to cause her to miss hearings.

Complainant alleges the Subject Judge had *ex parte* communications with counsel for the banks in the case. She states the Subject Judge’s “law partner ... currently works for the banks and is tampering with this case on behalf of the banks,” and she states she was informed that the former law partner signed for a package that she mailed to the clerk’s office. She asserts the Subject Judge “is using his judicial office to benefit his former clients, his former law partner, and former law firm.”

Complainant alleges the Subject Judge is “deliberately terrorizing and endangering victims and witnesses” in a certain investigation into two banks, is retaliating against her for assisting with the investigation into the banks, and is helping former bank clients avoid consequences for hiding accounts. Complainant states she received an “anonymous tip” that the Subject Judge is trying to “lure” her to a city “where I will be murdered.” Finally, she alleges the Subject Judge’s actions are reasonably likely to cause substantial and widespread lowering of public confidence in the courts.

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, findings, rulings, 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 impartial, had a conflict of interest, treated Complainant in a demonstrably egregious and

hostile manner, discriminated against her, engaged in improper *ex parte* communications, was part of a conspiracy, used his office to obtain special treatment for others, 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