

MAR 12 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90036

ORDER

An individual has filed a Complaint against 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

The record establishes that Complainant filed an employment-discrimination complaint against a corporation. Complainant later filed a second amended complaint, and the defendant filed a motion to strike and to dismiss the second amended complaint. The Subject Judge entered an order directing Complainant to file a motion for leave to amend her pleading or respond to the motion to strike. Complainant then filed a motion for leave to file an amended complaint, which the Subject Judge granted, and her

second amended complaint was filed on the docket. The case remains pending.

Complaint

Complainant alleges the Subject Judge was prejudiced, had a conflict of interest, and failed to comply with a statute requiring her recusal. She states the Subject Judge was in-house counsel for the corporate defendant years before the above-described case was filed, worked closely with the corporation's human resources department, was on a panel that held a webinar for the corporation's employees, and was the assigned magistrate judge in other cases involving the corporation's employees. Complainant also asserts that the Subject Judge was a former colleague of the defendant's attorney in 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, 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 was prejudiced, had a conflict of interest, 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