

APR 15 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-25-90054 and 11-25-90055

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**ORDER**

An individual has filed a Complaint against a United States magistrate judge and 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 an employment-discrimination complaint against two companies, and she later filed an amended complaint and moved for summary judgment. After various proceedings, the Subject Magistrate Judge entered an order stating the court had received correspondence from defendants' counsel stating that a discovery dispute existed between the parties and directing the parties to participate in a telephone conference with the court. At the conference, the Subject Magistrate Judge ruled on discovery-related issues. Complainant

then filed a motion to quash subpoenas the defendants had issued, and at a teleconference, the Subject Judge granted the motion in part.

Afterward, Complainant filed a motion to recuse the Subject Magistrate Judge, which the Subject Magistrate Judge denied as meritless. The defendants moved for summary judgment. After additional proceedings, the Subject Magistrate Judge issued a report recommending that Complainant's motion for summary judgment be denied and the defendants' motion for summary judgment be granted. Over Complainant's objections, the Subject District Judge entered an order adopting the report and recommendation.

### **Complaint**

Complainant first states the case was assigned to the Subject Magistrate Judge without her consent. She then alleges that the Subject Magistrate Judge had "meetings and other communications" with defendant's counsel without notifying her, exhibited bias and spoke to her "in a demeaning fashion" during teleconferences, allowed evidence to be admitted that was not central to the case, ignored "unmistakable evidence of misconduct by the legal team of the defendant," allowed the defendants to ignore the Federal Rules of Civil Procedure, allowed unsigned fraudulent disciplinary reports into evidence, ruled on the motion to recuse without sending it to another judge, and engaged in misconduct by failing to recuse himself from the case. Complainant also states that, because of the Subject Magistrate Judge's behavior, she "felt he was taking bribes, as his readiness to accept the Defendants' switching

defenses throughout the proceedings, presenting fraudulent evidence and violating the rules of civil procedure never raised any concerns for the Magistrate Judge.”

Next, Complainant alleges the Subject District Judge engaged in misconduct by failing to issue a timely ruling in the case and ignoring her request for a teleconference. She alleges the Subject Judges engaged in misconduct because “one or both Judges is vested in the stock of” a certain company that “does a great amount of business with” one of the defendants in the case. Finally, she states, “We believe this misconduct is not only due to bribery but also due to racial discrimination.”

### **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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as merits-related.”

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainants’ allegations concern the substance of the Subject Judges’ official actions, findings, rulings, report and recommendations, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judges’ decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Complainants’ remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judges acted with an illicit or improper motive, were biased or otherwise not impartial, had improper *ex parte* communications, accepted bribes, treated Complainant in a demonstrably egregious and hostile manner, had a conflict of interest, discriminated against her, 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