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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-25-90097 and 11-25-90098

ORDER

An individual has filed a Complaint against a United States district judge and 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.

As an initial matter, after Complainant filed her Complaint, she filed a supplemental statement. The filing of the supplemental statement is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant filed in state court two civil complaints against multiple defendants, and certain defendants removed the cases to federal court and filed motions to dismiss. In both cases, the Subject Magistrate Judge issued reports recommending that the motions to dismiss be granted, in part on

the ground that the complaints were impermissible shotgun pleadings and raised frivolous claims “tantamount to ... bogus ‘sovereign citizen’ arguments.” In both cases, the Subject District Judge adopted the reports and recommendations.

Complaint

Complainant alleges the Subject Judges accepted “a fraudulent removal,” permitted a magistrate judge to make “dispositive recommendations,” dismissed her cases without a hearing and without reviewing certain documents, acted as accessories to a racketeering enterprise, made inappropriate and biased comments that she filed shotgun complaints and was associated with sovereign-citizen ideology, were biased against her as a *pro se* litigant, violated her constitutional rights, engaged in fraud upon the court, aided the defendants in suppressing evidence, permitted fraudulent documents to be filed, were criminally negligent, and violated the Code of Conduct for United States Judges. She attached documents to her Complaint.

Supplement

After she filed her Complaint, Complainant filed an “Affidavit of Title Fraud” in which she does not raise any specific allegations against the Subject Judges.

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 Judges’ official actions, findings, rulings, reports, recommendations, and orders in the above-described cases, the allegations are directly related to the merits of the Subject Judges’ 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 Judges engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.

Chief Judge