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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-26-90007 and 11-26-90008

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.

Afterward Complainant filed four supplements. The filing of the supplements is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant filed a civil complaint against multiple defendants, including two state judges, and the defendants moved to dismiss. The Subject Magistrate Judge issued a report recommending that the judicial defendants' motion to dismiss be granted based on judicial immunity. For the remaining defendants, the report recommended that the amended

complaint be dismissed as a shotgun pleading and that Complainant be given an opportunity to file an amended complaint against those defendants. Complainant moved for reconsideration, which the Subject Magistrate Judge denied. Over Complainant's objections, the Subject District Judge adopted the report and recommendation and allowed Complainant to file an amended complaint that did not include any claims against the state judges.

Complainant then moved for reconsideration and filed an amended complaint in which she named the state judges as defendants. The Subject District Judge entered an order denying the motion and striking the amended complaint because Complainant included the state judges. Complainant then filed another amended complaint, and the defendants moved to dismiss. The Subject Magistrate Judge issued a report recommending that the motions to dismiss be granted. The case remains pending.

Complaint

Complainant states she believes the courts in her state "are dishonest and the government is corrupt." She disagrees with the Subject Judges' ruling that the state judges are entitled to immunity because "there are no facts pled to allow immunity." Complainant contends the order directing her to remove the state judges from the case constituted "intimidation and coercion" because she cannot disobey the order without fear of contempt. She also states that "[c]ourts have kept me in court for an extended time" despite that she provided "indisputable evidence" in support of her claims, and

she alleges the Subject Judges violated her rights. She also takes issue with the actions of other individuals.

Supplements

Complainant filed four supplements. In her first supplement, Complainant states she has “proven over and over I am correct and I follow the laws, but do not feel the courts or attorneys follow the laws.” She alleges the Subject Judges “ignore[d] the truth and the evidence,” conspired to obstruct justice, and failed to comply with their legal duties. In her second and third supplements, Complainant reiterates her allegations and objects to the actions of state judges. In her fourth supplement, Complainant disagrees with the Subject Magistrate Judge’s second report and recommendation, and she contends the judge disregarded her filings. She attached documents to each of the supplements.

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 case, 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 acted with an illicit or improper motive, sought to intimidate or coerce her, were part of a conspiracy, 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