FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

FEB 07 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90017

ORDER

An individual has filed a Complaint against 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 a petition for a writ of habeas corpus, 28 U.S.C. § 2254, challenging certain state court convictions. The Subject Judge entered an order dismissing the petition for lack of jurisdiction as an unauthorized second or successive petition.

Complaint

Complainant alleges the Subject Judge "assumed authority" over her case, which was outside of his "Territorial Jurisdiction,"

and dismissed her case as a favor to three of his close associates or friends. She alleges the Subject Judge lacked authority to issue rulings in her case, violated criminal statutes, deliberately ignored binding precedent, violated her constitutional rights, and ignored the violation of her due process rights during state court proceedings. She also takes issue with the actions of other individuals.

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, and order 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 acted with an illicit or improper motive, dismissed her case as a favor to others, violated criminal statutes, 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