CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90125

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.

As an initial matter, after Complainant filed her Complaint, she filed three 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, a motion to proceed *in forma pauperis*, and multiple notices. The Subject Judge entered an order denying the *in forma pauperis* motion because it was incomplete. Complainant then filed a second *in forma pauperis* motion and another notice.

The Subject Judge entered an order stating the court would not take any action on the notice because any request for relief was to be made by motion and that Complainant should be able to view the docket because the case was not sealed. The Subject Judge also entered an order denying the second *in forma pauperis* motion as it appeared that the action may be barred by the fugitive-disentitlement doctrine and that most defendants may have prosecutorial and judicial immunity and directing Complainant to pay the filing fee because she refused to supply sufficient information to assess her financial situation. The order also stated Complainant may contact the clerk about the ways payment may be accepted.

A third *in forma pauperis* motion was docketed, and the Subject Judge entered an order denying the motion as duplicative and directed Complainant to avoid filing duplicative papers. Complainant then filed multiple notices and a motion for extension of time to pay the filing fee. The Subject Judge entered an order granting the motion for extension of time in part and denying any request to pay the filing fee by remote means. The case remains pending.

Complaint

Complainant first takes issue with the Subject Judge's statement that the action may be barred by the fugitive-disentitlement doctrine and that most of the defendants may be entitled to immunity. She contends the statement "was not based on any motion, evidence, or appearance by the defendants," "[p]rejudged the legitimacy" of her claims, "[f]alsely framed" her as a fugitive despite that the underlying charge was "fabricated and unsupported by any due process," "[i]ntroduced legal defenses on behalf of defendants," denied her the opportunity to respond or to be heard, showed a lack of impartiality and a "retaliatory bias," and constituted an abuse of judicial authority. She states that the "stigmatizing label 'fugitive' is deeply prejudicial and unsupported by any formal process," and that it "appears to serve no purpose other than to discredit me and diminish the credibility of my claims without due process." Finally, she states, "The court's refusal to provide e-payment instructions – while simultaneously threatening dismissal for non-payment – further demonstrates systemic obstruction and a denial of meaningful access to remedy."

Supplements

In her first supplement, Complainant takes issue with the denial of two *in forma pauperis* motions, complains the court "took over two months" to act on an *in forma pauperis* motion, states the delay impeded her ability to obtain relief "or procedural clarity," and contends the court required her to make full payment despite knowing she was abroad and had "no access to U.S. payment infrastructure." She states that the "series of denials, delays, and omissions" constituted a "deliberate tactic designed to produce a procedural default and dismiss the case under the pretense of non-payment." Complainant contends the Subject Judge falsely stated that she refused to supply sufficient information to assess her financial eligibility and that the statement "appears to serve as a post hoc justification for procedural denial."

Complainant alleges the Subject Judge mischaracterized her mailed *in forma pauperis* motion as a duplicate and that denial of the motion without review "further reflects the Court's intent to foreclose all avenues of access, regardless of context or good faith effort." Complainant states that the court issued at least one critical order by United States mail despite being aware that she resides abroad and relies on electronic communications, and she contends the order directed her to stop filing notices without providing a justification. Complainant states the court suppressed the public's access to her case, concealed the docket, and engaged in "procedural suppression." Finally, she states the Subject Judge's conduct "reflects a sustained pattern of judicial obstruction, misrepresentation, and denial of fundamental access to justice," as well as "an intent to engineer procedural dismissal."

In her second and third supplements, Complainant reiterates her allegations, contends the court docketed a motion for extension on her behalf without her consent, and created the misleading impression that she was responsible for delay in the case when the court was responsible for delay.

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 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 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 Judge acted with an illicit or improper motive, was biased or otherwise not impartial, abused his judicial authority, made misrepresentations, 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