

AUG. 19 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90141

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 a United States Attorney issued an information charging Complainant with a crime, and Complainant consented to the proceeding by the information instead of an indictment. She later pleaded guilty to the charge. After the Subject Judge allowed Complainant to proceed *pro se*, she filed a motion to dismiss the case on the ground that the government failed to prove that a prosecutor was lawfully appointed. The Subject Judge denied the motion and later sentenced her to a term of imprisonment.

Complaint

Complainant states her Complaint “arises from a serious constitutional breach and dereliction of judicial duty during” the case. She contends that the Subject Judge permitted an individual “to perform essential prosecutorial functions,” but did not “verify, request, or require any lawful evidence of her appointment,” which “effectively cloaked her with federal prosecutorial authority without any constitutional or statutory basis.” Complainant alleges the Subject Judge’s actions constituted a “structural constitutional violation,” tainted the proceedings, “nullifie[d] the appearance of consent, and inflict[ed] irreparable harm on the integrity of the court.”

Complainant also alleges the Subject Judge had a conflict of interest because she previously served in the same United States Attorney’s Office with a prosecutor in Complainant’s case, which raised a “structural concern,” required the Subject Judge’s recusal, and raised a substantial appearance of impropriety. Complainant states, “The failure to disclose or address this relationship violates judicial ethics and may independently support a claim of fraud upon the court under Rule 60(d)(3) when compounded by [the prosecutor’s] disputed appointment authority.” She attached a portion of a transcript to her Complaint.

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, rulings, and orders 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 Judge had a conflict of interest, created an appearance of impropriety, committed fraud upon the court, 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