

United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Miguel J. Cortez
Clerk

In Reply, Give Number
Of Case And Names Of Parties

February 27, 1995

Mr. Lester Swartz
P.O. Box 27-3225
Boca Raton, Florida 33427-3225

RE: Complaint of Judicial Misconduct or Disability

Dear Mr. Swartz:

We have received from you a complaint of judicial misconduct or disability regarding Chief U.S. Circuit Judge Gerald Bard Tjoflat of the U.S. Court of Appeals, Eleventh Circuit. In it you seek that "...this and my October 31, 1994 against Chief Judge Tjoflat et al., be reviewed by the Circuit Justice, the Honorable Anthony M. Kennedy of the U.S. Supreme Court, for his sure good faith resolution of Chief Judge Tjoflat's alleged misconduct and these most crucial issues." Under the rules, I have authority to accept only a complaint brought pursuant to 28 U.S.C. 372(c) which complies with the rules set forth in Addendum Three to the Rules of the United States Court of Appeals for the Eleventh Circuit. Those rules provide for the filing of a complaint against judicial officers within this circuit and in the case of a complaint against the Chief Judge, provides that such a complaint be forwarded to the "... circuit judge in regular active service who is the most senior in date of commission of those who are not disqualified." (Rule 18(f)).

There is no provision for and I am not authorized to refer a matter tendered for filing under this statute and under Addendum III to Justice Kennedy or otherwise to any judicial officer outside of this circuit who is not a member of the Judicial Council of the Eleventh Circuit. I therefore am obliged to return the complaint to you unfiled.

Sincerely,


Miguel J. Cortez
Clerk

MJC/emw