

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

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case and Names of Parties

March 21, 2000

CONFIDENTIAL

Ms. Alberta Davison
P.O. Box 1571
Monroeville, AL 36461

RE: Misc. Nos. 00-0002, 00-0003, 00-0004 & 00-0005
In the matter of Judicial Complaints filed by: Alberta Davison

Dear Ms. Davison:

As I told you during our telephone conversation today, I received from you today a letter dated March 20, 2000. In your letter you expressed concern for my instructions to you in my March 15, 2000, letter which returned your Petition for Review.

Your first concern, was that I advised you that each Petition for Review had to have its own assigned case number. If you will recall, every piece of correspondence from me regarding your complaint(s) has had a separate case number and a separate letter. To quote part of the first line of your letter received today " This letter is in response to your four identical letters dated March 15, 2000...". The reason you received four identical letters is each complaint is a separate case , is confidential and must be treated as such. When you filed your complaints, you received four separate letters acknowledging the complaints, you were advised as to the case number assigned to each complaint and when you were provided with the order for each case you were sent four separate letters with four separate orders which bore separate numbers. In short, this entire matter has from the beginning been treated as separate cases as described in Rule (1) (a) in the next to last sentence " *A separate complaint form must be filed for each complained-of*

judge". On the cover-page of each of your complaint forms you named a single judge as the person you were filing the complaint against. I trust that it is clear to you now that we are dealing with separate cases and that your submitting one Petition for Review to cover all four cases is unacceptable.

As to your second concern, if in fact we are dealing with four separate cases, and we are, there is no need to identify all four judges in your Petition for Review. As you may recall, Judicial Complaints are "Confidential". Each judge complained about was provided with a copy of the complaint which bore his name. The fact that three other judicial complaints were filed by you was not and shall not be released to any of the complained-of judges. This is one reason that a separate complaint for each complained-of judge is required. The accusations or claims made in your complaint, regarding other judges whose names do not appear on the cover-page of the complaint form, does not in any way identify that a "complaint" has been filed regarding the other judges. Confidentiality must be maintained.

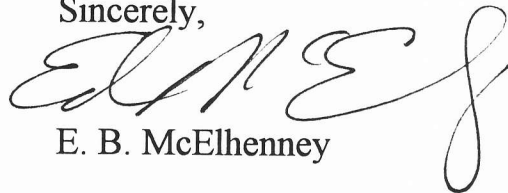
Your third area of concern is the exhibits I returned to you as being unauthorized. You stated that you had attached exhibits to your complaint and in doing so you did not see why you are prohibited from filing them with your Petition for Review. You were able to submit exhibits and supporting documents with your complaint(s) because Rule 1(c) specifically authorized you to do so. Rule 5 does not authorize the submission of anything except a letter to the Clerk. "*The Petition shall set forth a brief statement of the reason(s) why the complaint should not be dismissed*". This is not yet another opportunity to argue the merits of your original complaint, but rather the opportunity for you to argue why the Chief Judge's Order should not be upheld. Rule 5(b) states "*The petition shall not restate the allegations of the complaint*".

I agree with you that "economically..." it would be sound to combine the four cases into one matter, but we are not dealing with economics but rather the United States Code (Civil) as well as the Rules of the Eleventh Circuit Judicial Council Governing Complaints of Judicial Misconduct or Disability. I hope this letter has resolved your concerns. I am fully aware that it has not satisfied you but maybe things are clearer and you have a better understanding as to why your petition was unacceptable as submitted and ultimately returned for correction.

If you look at the ten-day extension I gave you, you will see that I extended you actually a total of twelve days. Had I given you ten days from the date of my

letter, your corrected petition would have been due on March 25, 2000, and not on March 27, 2000. Please note, this letter does not provide any addition extension of time for you to submit corrected petitions. As stated previously, if your Petitions for Review are not in this office by the close of business on March 27, 2000, your complaint cases shall be closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. B. McElhenney', written in a cursive style.

E. B. McElhenney

ebm:
Enclosure