

JUDICIAL COUNCIL OF THE ELEVENTH CIRCUIT

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY
UNDER 28 U.S.C. § 372(c)

To file a complaint of judicial misconduct or disability, please answer all of the questions on this form and send three copies in an envelope to the Clerk, United States Court of Appeals, 56 Forsyth Street, N.W., Atlanta, Georgia 30303. Please write "Section 372(c) Complaint" on the envelope. Do not write the name of the complained-of judge on the envelope. This complaint must be legible; if possible, it should be typewritten. For other details, see the Rules of the Judicial Council of the Eleventh Circuit Governing Complaints of Judicial Misconduct or Disability.

CONFIDENTIAL

IN THE MATTER OF A COMPLAINT FILED BY:

JOSEPH S. NORMAN II

NAME OF COMPLAINANT

5647 SANTA ANITA DR

ADDRESS

TALLAHASSEE FL 32308-2007

(850) 893 1484

DAYTIME TELEPHONE NUMBER

AGAINST:

GERALD TOFLAT

NAME OF COMPLAINED-OF JUDGE

11th CIRCUIT COURT OF APPEALS

COURT

1. Does this complaint concern a particular lawsuit? Yes No

If yes, please provide the following information about the lawsuit.
(If more than one lawsuit is involved, use additional pages, as necessary.)

11TH CIRCUIT COURT OF APPEALS
COURT IN WHICH LAWSUIT WAS FILED

DOCKET NUMBER

97-5587
DOCKET NUMBER OF APPEAL, IF ANY

What is (or was) your role in the lawsuit?

Party (including pro se) Attorney Juror Witness None of these

Please provide the name, address, and telephone number of your attorney in this lawsuit:

PRO SE

2. Have you filed a lawsuit against the judge? Yes No

If yes, please provide the following information about the lawsuit.
(If more than one lawsuit is involved, use additional pages, as necessary.)

COURT IN WHICH LAWSUIT WAS FILED

DOCKET NUMBER

DOCKET NUMBER OF APPEAL, IF ANY


PRESENT STATUS OF LAWSUIT OR APPEAL

Please provide the name, address, and telephone number of your attorney:

3. On separate sheets of paper, no larger than the paper on which this form is printed, please describe the evidence of misconduct or disability that is the subject of this complaint. Do not use more than five single-sided pages.

4. Sign your name.

I declare under penalty of perjury that I have read Rule 1 of the Rules of the Judicial Council of the Eleventh Circuit Governing Complaints of Judicial Misconduct and Disability, and that the statements made in this complaint are true and correct to the best of my knowledge.


SIGNATURE OF COMPLAINANT

8/7/00
DATE

**STATEMENT OF FACTS RELATING TO THE COMPLAINT OF JUDICIAL
CONDUCT OF JUDGE GERALD B. TJOFLAT MADE BY JOSEPH S. NORMAN II
UNDER Section 372 (c) title 28 U.S.C.**

COURSE OF THE PROCEEDINGS AND FACTS OF THE CASE

This complaint is against Judge Gerald B. Tjoflat; the case number is 97-5587-CV-EBD in the UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT. Joseph S. Norman II, (Norman) a named Plaintiff / Appellant in this case was one of hundreds of airline pilots who brought suit against the Airline Pilots Association (ALPA) and certain officials of the union regarding the publication and distribution of a defamatory list of "SCAB" airline pilots that worked for Eastern Airlines during the sympathy strike of 1989. Norman was never more than a pilot trainee during this job dispute. Norman filed an appeal to the 11th Circuit from the Southern District of Florida pro se.

On October 25, 1999 the 11th Circuit ruled in favor of the Defendants. The only part of the Court's decision that all 11th Circuit Court of Appeal judges agreed with was that Norman, who has never flown an airplane for Eastern Air Lines was properly described as a "SCAB." Judge Tjoflat concurred in part and dissented in part with the majority opinion. In his opinion Judge argues there was no legal ALPA strike and states in his opinion.

"It is undisputed that appellants flew for Eastern. Because ALPA was never legally on strike, however, appellants did not work during a union strike, thus, the statement that they worked during a union strike, therefore were scabs, was false."

And in fn 24 of his opinion Judge Tjoflat states;

"I agree with the majority, however, that the libel claim of appellant Joseph S. Norman II is insufficient as a matter of law. Hence in referring to appellants I exclude Norman."

Judge Tjoflat, in his opinion, appears to have been influenced by corruption, mental lapses or prejudice against pro se litigants. Judge Tjoflat was made aware of the fact Norman never flew aircraft for Eastern during the strike. On one hand Judge Tjoflat argues that there was no legal strike; on the other hand he agrees Joseph S. Norman II was properly labeled a scab. Just how an individual can be labeled a scab at an event not

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

August 11, 2000

Mr. Joseph S. Norman II
5647 Santa Pinta Dr.
Tallahassee, FL 32308-2007

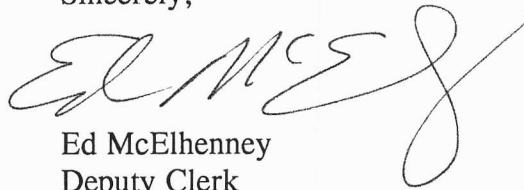
CONFIDENTIAL

RE: Misc. No. 00-0040
IN THE MATTER OF: Joseph S. Norman II

Dear Mr. Norman:

We have received a complaint of Judicial Misconduct or Disability from you regarding U.S. Circuit Judge Gerald Bard Tjoflat of the United States Court of Appeals for the Eleventh Circuit. It has been docketed under Misc. No. 00-0040 and is being transmitted to the office of the Chief Judge pursuant to provisions of Rules 3 and 4 of Addendum III.

Sincerely,



Ed McElhenney
Deputy Clerk

UNITED STATES COURT OF APPEALS
ELEVENTH JUDICIAL CIRCUIT

Thomas K. Kahn
Clerk

56 Forsyth St., N.W.
Atlanta, Georgia 30303

August 25, 2000

CONFIDENTIAL

Mr. Joseph S. Norman II
5647 Santa Anita Drive
Tallahassee, FL 32308-2007

RE: Misc. No. 00-0040
IN THE MATTER OF: Joseph S. Norman II

Dear Mr. Norman:

Enclosed is an order of Chief Judge R. Lanier Anderson III that has been received and filed in this office which is effective as of the date filed. This order determines the complaint of judicial misconduct or disability earlier filed by you pursuant to 28 U.S.C. §372(c) and Addendum III of the Rules of the Judicial Council of the Eleventh Circuit. I also invite your attention to Rules 5,6,7 and 15 of Addendum III.

Sincerely,



Thomas K. Kahn

TKK/ebm
Enclosures

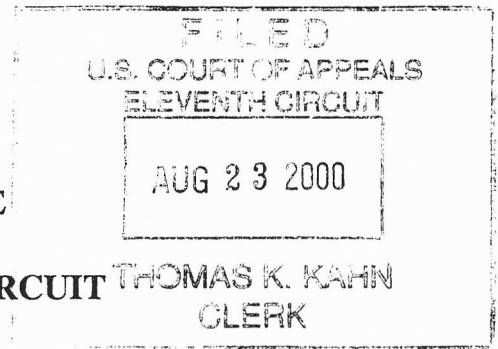
c: Hon. Gerald Bard Tjoflat

CONFIDENTIAL

BEFORE THE CHIEF JUDGE

OF THE ELEVENTH JUDICIAL CIRCUIT

Miscellaneous No. 00-0040



IN THE MATTER OF A COMPLAINT FILED BY JOSEPH S. NORMAN II


IN RE: The complaint of Joseph S. Norman II, against Gerald Bard Tjoflat, United States Circuit Judge for the United States Court of Appeals for the Eleventh Circuit, under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 372(c).

ORDER

Joseph S. Norman II filed this complaint against United States Circuit Judge Gerald Bard Tjoflat, pursuant to Title 28 U.S.C. § 372(c) and Addendum Three to the Rules of the Judicial Council of the Eleventh Circuit.

The allegations of the Complaint are “directly related to the merits of a decision or procedural ruling”. Consequently, pursuant to 28 U.S.C. § 372(c)(3)(A) and Addendum Three Rule 4 (a)(2) this Complaint is DISMISSED.

Dated this 22 day of August, 2000



Chief Judge