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

Miguel J. Cortez
Clerk

In Replying Give Number
Of Case And Names Of Parties

August 23, 1995

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

RE: Misc. No. 95-1077, IN RE: LESTER SWARTZ

Dear Mr. Swartz:

Enclosed is an order of Judge Phyllis A. Kravitch which has been received and filed in this office and which is effective as of the date filed. This order determines the complaint of judicial misconduct 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 4, 5, 6 and 16 of Addendum III.

Sincerely,

Miguel J. Cortez
Clerk

MJC/sjs/enc

c: Hon. Gerald B. Tjoflat
Circuit Clerk Secured File

BEFORE THE UNDERSIGNED AS THE SENIOR ACTIVE JUDGE OTHER THAN THE CHIEF JUDGE OF THE ELEVENTH JUDICIAL CIRCUIT

Miscellaneous Docket No. 95-1077

IN THE MATTER OF A COMPLAINT FILED BY LESTER SWARTZ

Judicial Complaint Pursuant to 28 U.S.C. Sec. 372(c)

O R D E R

This complaint against Chief United States Circuit Judge Gerald Bard Tjoflat was filed with the Clerk of the United States Court of Appeals for the Eleventh Circuit. Swartz complains that Chief Judge Tjoflat misused his administrative powers and authority as Chief Judge in dismissing a series of complaints brought by the complainant against various judicial officers of this circuit who served as members of the Judicial Council. Those members of the Council had voted to affirm the Chief Judge's dismissal of complaints against the members of a panel of the Court of Appeals who had affirmed the dismissal by a district judge of a lawsuit filed by complainant against the Florida Bar and others. Given that this complaint is directly related to the merits of one or more judicial decisions or procedural rulings, it is not reviewable under Section 372(c)(3)(A)(ii). Section 372(c) is not an alternative or additional judicial review provision for the subject matter of this complaint.

Accordingly, this complaint is DISMISSED.

Dated this 23rd day of August, 1995.

Phyllis Kravitch
UNITED STATES CIRCUIT JUDGE