

Judicial Council of the _____ Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks’ offices, on individual federal courts’ websites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk’s office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked “COMPLAINT OF MISCONDUCT” or “COMPLAINT OF DISABILITY” and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: _____
Contact Address: _____

Daytime telephone: (_____) _____

2. Name(s) of Judge(s): _____
Court: _____

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?
 Yes No

If “yes,” give the following information about each lawsuit:

Court: _____

Case Number: _____

Docket number of any appeal to the _____ Circuit: _____

Are (were) you a party or lawyer in the lawsuit?

Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer’s name, address, and telephone number:

Judicial Council of the _____ Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

4. Brief Statement of Facts. Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

5. Declaration and signature:

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Signature:  Date: _____

Judicial Council of the 11TH Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

COMPLAINANT DAVID B. WHEELER STATEMENT

1. Judicial Ethical Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary

WHEELER STATEMENT: From the broadest reading of this Ethical Canon, Judge Cannon is clearly not upholding the integrity of the court through her actions outlined below. For example, in what world does someone get appointed to a lifetime job and then adjudicate one of the most high-profile criminal cases in the history of the United States of the person who appointed them? Judge Cannon is clearly not upholding the integrity of the Court and should have recused from this case or been replaced.

2. Judicial Ethical Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities.

- a. Canon 2A. An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.**

WHEELER STATEMENT: Judge Cannon's lifetime appointment by Defendant Trump in the subject case is clearly has an appearance of impropriety. Why has she not recused herself from this case based upon this Canon? I believe I have a reasonable mind and have taken in all the relevant circumstances, as suggested in this Canon, and assert that Judge Cannon is not an impartial Jurist in this criminal matter. I'm asking that the 11th Circuit review this matter and Judge Cannon be removed from the subject case and replaced with a senior impartial Jurist.

3. Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently

- a. Canon 3A(5). In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.**

WHEELER STATEMENT: As outlined in the news article below, Judge Cannon is sitting on numerous motions in this criminal case that have not been ruled upon. How can one of the most important criminal cases in the history of the United States not be adjudicated without delay? Or is there an unethical reason she is delaying these matters? The delays taken by Judge Cannon have created an additional violation of Ethical Canons and is bringing the integrity of the Court into question.

4. **Canon 4: A Judge May Engage in Extrajudicial Activities that are Consistent with the Obligations of Judicial Office**

H) Compensation, Reimbursement, and Financial Reporting. A judge may accept compensation and reimbursement of expenses for the law-related and extrajudicial activities permitted by this Code if the source of the payments does not give the appearance of influencing the judge in the judge's judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

(3) A judge should make required financial disclosures, including disclosures of gifts and other things of value, in compliance with applicable statutes and Judicial Conference regulations and directives.

WHEELER STATEMENT: As reported in the attached news article, Judge Cannon has accepted travel and other gifts worth thousands of dollar without disclosing these matters as required by Court rules. She has directly violated this Canon and must be held accountable for this violation.



ELECTION 2024

GOVERNMENT & POLITICS

JUSTICE

What was a Florida judge who is presiding over a Trump trial doing in Montana?

BY: DARRELL EHRLICK - MAY 7, 2024 1:48 PM



Photo illustration (Photo illustration via Pxfuel | Public domain).

Montana has suddenly become part of the storyline in one of former President Donald J. Trump's federal trials, this one focusing on whether he took and hid classified documents from his presidency.

The federal trial, which includes special prosecutor Jack Smith, is being overseen by federal district court Judge Aileen Cannon, a judge appointed by Trump during his presidency.

Trump is also the presumptive GOP nominee for president in 2024.

However, reporting by National Public Radio shows that Cannon traveled twice recently to a luxury resort in Pray, Montana, to attend a conservative legal conference, [but failed to disclose](#) the trips, which [some estimate](#) cost in the tens of thousands of dollars apiece.

Federal guidelines do not prohibit a sitting federal judge from taking luxury vacation, even paid for by another person or group, so long as they are disclosed and documented.

Since NPR first reported the story, Cannon has amended a required filing, documenting the trip, but who paid for the travel remains unclear. The conferences, which she attended at Sage Lodge, were sponsored by the George Mason School of Law, a conservative leaning law school with deep ties to [Leonard Leo and the Federalist Society](#).

Cannon attended two “judicial education programs” sponsored by the George Mason University’s Antonin Scalia Law School, called the “Sage Lodge Colloquium.” Both were week-long seminars during the last week of September in 2021 and 2022, respectively.

The [luxury lodge](#) in Pray boasts a spa and locally-sourced food from the area. It bills itself as “the ultimate Montana luxury resort getaway.” A search for accommodations on the website reveals a nightly retail rate of between \$819 and \$5,436.



📷 Judge Aileen Cannon, a federal judge in the Southern District of Florida.

The lecturers at the seminars featured an array of scholars, experts, reading assignments and lecturers, largely from the GMU faculty. Some of the topics were esoteric, like “Law, Lawyers and Courts in Early Crime Classics,” to more modern topics like “Climate Change and the Common Law.”

Some of the speakers were better known in the region, including Cam Sholly, superintendent of Yellowstone National Park, who gave a fireside chat during one of the evenings.

Other presentations included several sessions by Todd Zywicki, a GMU Foundation professor of law and a senior fellow at the Cato Institute. In 2022, he presented two sessions, according to the published agenda, including “Woke Law!” And “Unprofitable Education: Student Loans, Higher Education Costs, and the Regulatory State.”

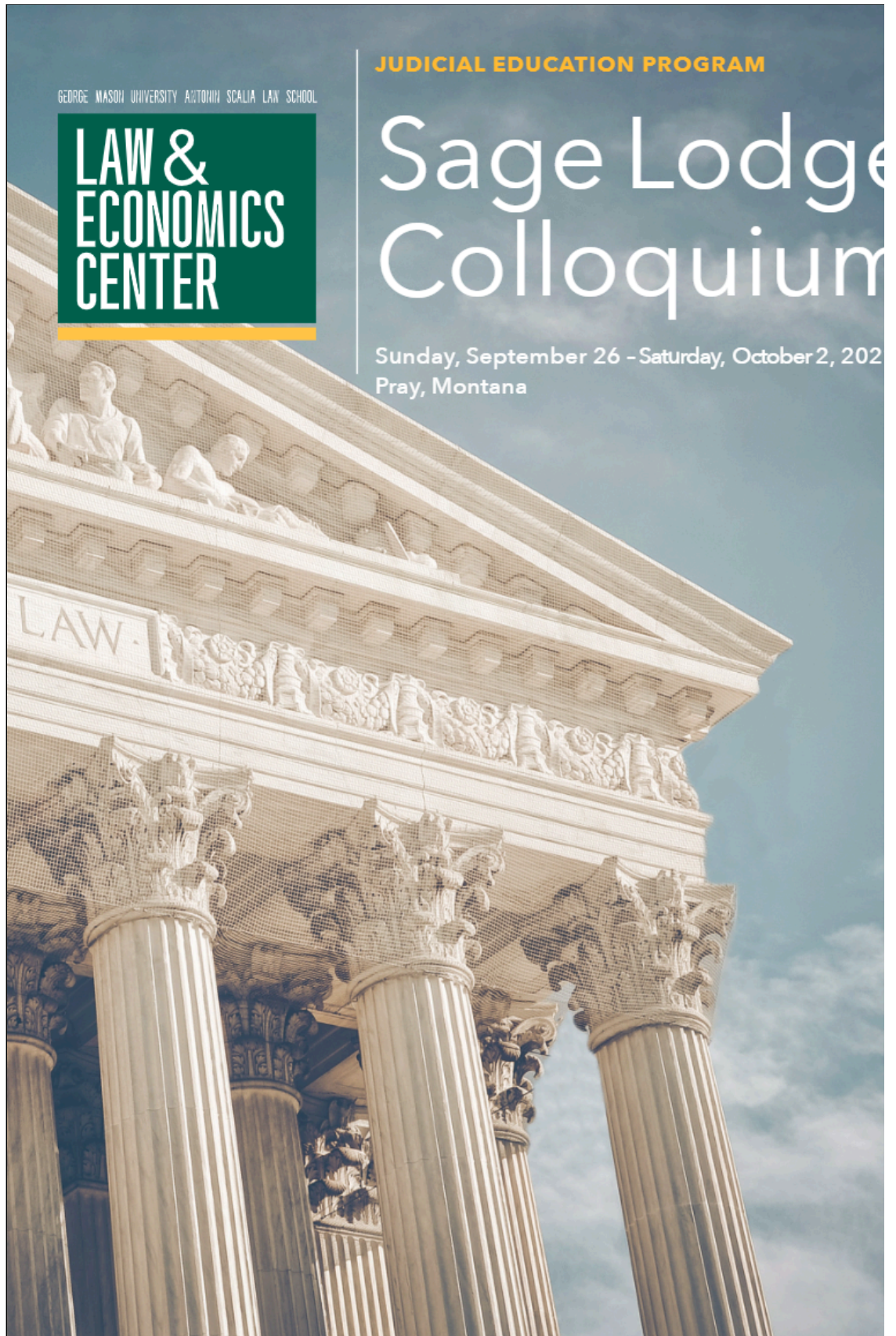
The 2022 Colloquium was billed as a special “YELLOWSTONE” edition, and focused on land and issues of the American West, according to the schedule, with sessions on the history of public lands in the West, and titles of seminars, “This is MY LAND” and “Whose River Is It?”

The Colloquium partnered with the Property and Environment Research Center, PERC, an established and well-known group in Montana. PERC has its roots at Montana State University but is now a stand-alone organization that examines how free markets can improve the environment.

The 2022 session featured a session on “Bootleggers and Baptists,” an economic theory that posits some groups that would seem opposite support the same policy for different reasons. In the classic example, proposed by Bruce Yandle, both bootleggers and Baptists favored a prohibition on alcohol, but for different reasons. Both groups, who disagreed about alcohol supported the bans for their own gain. The theory examines how leaders in politics and the courts “broker” power within those groups, and the effects of those policies.

On Tuesday, Cannon also pushed back a deadline for filings in the case against Trump regarding classified documents, making it appear more likely that the trial may not resume before Election Day 2024. Trump’s trial was scheduled to being on May 20, but a

What was a Florida judge who is presiding over a Trump trial doing in Montana? • Daily Montanan
new date has not yet been established by Cannon, according to the federal docket.





Ag
Sage Lodge Colloquy
Special “YELLOWSTONE” Edition
Judge Douglas H. Ginsburg Judicial Colloquium Series
With Property and Environment Research Center (PERC)
 Sunday, September 25 through Saturday, October 1

Sunday, September 25

- 4:00 – 5:00 pm** **Registration**
- 5:00 – 5:30 pm** **Welcome Reception**
- 5:30 – 6:30 pm** **The Honorable Douglas H. Ginsburg Interviews Brian Yablonski on PERC and Yellowstone**

Douglas H. Ginsburg, Judge, US Court of Appeals for the District of Columbia Circuit; Professor of Law, George Mason University Antonin Scalia Law School

Brian Yablonski, CEO, PERC
- 6:30 pm** **Welcome Dinner and Opening Remarks**
(Guests Welcome)

Henry N. Butler, Henry G. Manne Professor of Law and Economics
 Executive Director, Law & Economics Center, George Mason University
 Antonin Scalia Law School



Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our website. AP and Getty images may not be republished. Please see our [republishing guidelines](#) for use of any other photos and graphics.



DARRELL EHRICK

Darrell Ehrlick is the editor-in-chief of the Daily Montanan, after leading his native state's largest paper, The Billings Gazette. He is an award-winning journalist, author, historian and teacher, whose career has taken him to North Dakota, Minnesota, Wisconsin, Utah, and Wyoming.

Daily Montanan is part of [States Newsroom](#), the nation's largest state-focused nonprofit news organization.

MORE FROM AUTHOR

RELATED NEWS



Georgia appeals court to review decision allowing DA Willis...

BY STANLEY DUNLAP
May 8, 2024



Porn star Stormy Daniels in NYC hush money trial alleges...

BY ASHLEY MURRAY
May 7, 2024

TRUTH. TRANSPARENCY. TRUST.

DEMOCRACY TOOLKIT



The Daily Montanan is a nonprofit, nonpartisan source for trusted news, commentary and insight into statewide policy and politics beneath the Big Sky.

We're part of [States Newsroom](#), the nation's largest state-focused nonprofit news organization.

[DEIJ Policy](#) | [Ethics Policy](#) | [Privacy Policy](#)



Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our website.



© Daily Montanan, 2024

v1.15.1

STATES NEWSROOM

NEWS ANALYSIS

Judge's Decisions in Documents Case Play Into Trump's Delay Strategy

Judge Aileen Cannon has given sober consideration to arguments that some experts say should have been promptly dispensed with, leaving a backlog of pretrial issues without a trial date in sight.



By Alan Feuer

May 8, 2024

Sign up for the Trump on Trial newsletter. The latest news and analysis on the trials of Donald Trump in New York, Florida, Georgia and Washington, D.C. [Get it sent to your inbox.](#)

The decision by Judge Aileen M. Cannon to avoid picking a date yet for former President Donald J. Trump's classified documents trial is the latest indication of how her handling of the case has played into Mr. Trump's own strategy of delaying the proceeding.

It is not impossible that the trial could still take place before Election Day, but the path is exceedingly narrow. And the question of when — or even whether — the charges against Mr. Trump will go before a jury will now largely hinge on how Judge Cannon handles an array of pretrial matters in the next few months, issues that many legal experts have said she could dispense with much more quickly.

Judge Cannon, who was appointed by Mr. Trump in his final days in office, has been on the bench for only four years. She has limited experience overseeing trials of any kind — let alone one involving explosive allegations that a former president

and current candidate illegally took highly classified state secrets from the White House after he left office and then obstructed the government's repeated efforts to retrieve them.

For months now, she has stood in the glare of the spotlight with each of her most minute decisions scrutinized by an often critical gallery of legal scholars and reporters.

Nancy Gertner, a former federal judge who was appointed to the bench by President Bill Clinton, said that rookie jurists handling prominent matters deserve some measure of leeway. But she added that Judge Cannon had put herself outside the normal boundaries with her languid pace and her willingness to grant a sober audience to several of Mr. Trump's "meshuggeneh motions."

"For a new judge in a big case, she could just be being careful, but the length of time all of this has taken and things she is allowing seems way beyond that," Judge Gertner said. "She is treating everything the defense has done as if they all raise substantial and important issues, and that's just not true."

Throughout the case, Judge Cannon has shown herself willing to devote significant time to hearing legal motions in person that many federal judges would likely have rejected out of hand or at least decided more quickly on the merits of written filings.

In April, for example, she conducted a hearing to consider giving Mr. Trump's two co-defendants, Walt Nauta and Carlos De Oliveira, what is known as a bill of particulars, a detailed recitation of the charges in the case supplementing those laid out in the indictment.

Such documents are almost never granted to criminal defendants. And while Judge Cannon ultimately denied the requests, her decision to open her courtroom to the issue in the first place was unusual.



Judge Cannon has been on the bench for four years, appointed by President Donald J. Trump in his last days in office.
Southern District of Florida

Even more unusual perhaps was a separate decision, contained in her new scheduling order, to set a hearing in late June to decide what is known as the scope of the prosecution team working under Jack Smith, the special counsel appointed to oversee the federal prosecutions of Mr. Trump.

Prosecutors vehemently fought the move in March, telling Judge Cannon that no such proceeding had ever been held in the Southern District of Florida where she sits, and that there was neither case law nor any other legal authority to permit it.

But the hearing will now take place over the course of three full days. Her decision to hold it means Mr. Trump's lawyers will presumably be able to explore a twisted question of the law: whether they are entitled to learn more from prosecutors about how they went about pulling together the evidence turned over to the defense team as part of the discovery process.

Our politics reporters. Times journalists are not allowed to endorse or campaign for candidates or political causes. That includes participating in rallies and donating money to a candidate or cause.

Learn more about our process.

That issue began percolating four months ago when Mr. Trump's lawyers told Judge Cannon in court papers that they needed more discovery. They asked specifically for information about how Mr. Smith may have worked with officials at the National Archives and with a vast swath of the U.S. national security establishment — including top intelligence, defense and Justice Department personnel — in bringing the case against Mr. Trump.

The lawyers want that information to bolster their claims that Mr. Smith worked hand in glove with the White House and other officials to prosecute Mr. Trump. And if Judge Cannon tells them they can have it, the case will be further delayed as prosecutors make their way through various federal agencies to collect it and turn it over to the defense.

More delays are likely to emerge from another of Judge Cannon's decisions this week: to postpone until mid-June the deadline for Mr. Trump's lawyers to submit a critical filing detailing an inventory of the classified materials they intend to use at trial.

The filing of that inventory is enormously important because it will begin a pitched and probably lengthy battle between the defense and prosecution over what sorts of classified materials the jury and the public will ultimately hear about.

Mr. Smith's team had originally asked Judge Cannon to force the defense to submit the classified filing by mid-March. Mr. Trump's lawyers, on the other hand, had initially pushed for June 17.

Appearing to split the difference last month, Judge Cannon set the deadline for May 9. But after last-minute pleas by Mr. Trump and Mr. Nauta to postpone it, she abruptly changed her mind on Tuesday and granted the defense's original request.

"The way this is playing out makes it extraordinarily unlikely that there will be a trial before November," said Brian Greer, a former lawyer for the C.I.A. who specializes in issues involving classified material.

Mr. Greer, who has followed the case closely, noted that Judge Cannon's new date for the briefing was actually the second time she had changed the deadline, which had initially been set for November.

He also pointed out that the judge's new calendar did not include all of the necessary filings concerning classified documents. The government will still have to file its own set of papers about what sorts of sensitive materials should be revealed at trial — a process that, of course, will take more time.

Complicating matters even further, Judge Cannon's calendar said nothing at all about the deadlines to consider — let alone decide — some of Mr. Trump's most difficult and potentially consequential motions. Two of those motions have been under seal for more than two months and have not even been placed on the public docket yet.

One of the sealed motions revolves around undisclosed claims by Mr. Trump that members of Mr. Smith's team engaged in prosecutorial misconduct — an accusation that is sure to be hotly contested by the government.

The other sealed motion — also likely to result in a long fight — has challenged the legality of the F.B.I.'s search of Mar-a-Lago, Mr. Trump's private club and residence in Florida. It also disputes the way in which the government pierced the normal protections of attorney-client privilege and obtained the audio notes of one of Mr. Trump's former lawyers, M. Evan Corcoran.

Beyond all of that, there are more tough issues looming, which could add further layers of complexity and delay.

Just this week, for instance, Mr. Trump's lawyers said they might soon file a motion accusing prosecutors of failing to preserve the integrity of the classified documents at the heart of the case. But it remains unclear, if the motion is filed, how seriously Judge Cannon would actually take it.

Mr. Greer said that her record in the case suggests she has been open to whatever the defense has chosen to send her.

“Certainly, her proclivity so far,” he said, “has been to listen to almost anything.”

Alan Feuer covers extremism and political violence for The Times, focusing on the criminal cases involving the Jan. 6 attack on the Capitol and against former President Donald J. Trump. [More about Alan Feuer](#)

A version of this article appears in print on , Section A, Page 18 of the New York edition with the headline: In Documents Case, Judge's Decisions Help Trump's Delay Strategy