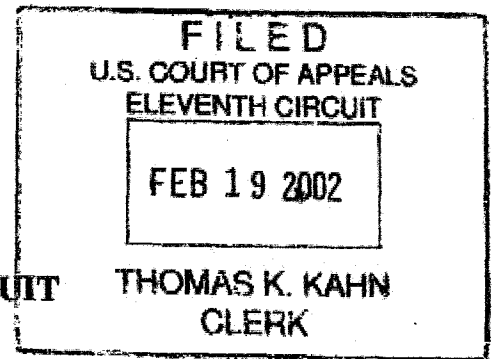


CONFIDENTIAL
BEFORE THE CHIEF JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT

Miscellaneous No. 02-0006



**IN THE MATTER OF A COMPLAINT FILED BY MARCELLUS M. MASON,
JR.**

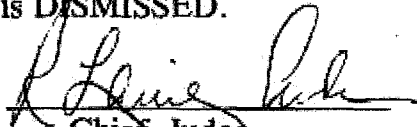
IN RE: The complaint of Marcellus M. Mason, Jr., against Donald L. Graham, United States District Judge for the Southern District of Florida, under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 372(c).

ORDER

Marcellus M. Mason, Jr. filed this complaint against United States District Judge Donald L. Graham pursuant to Title 28 U.S.C. § 372(c) and Addendum Three to the Rules of the Judicial Council of the Eleventh Circuit.

In his complaint, Mr. Mason complains about three orders that were issued by Judge Graham in district court No. 99-CV-14027. The first two orders in question, according to Mr. Mason, ordered him to appear for hearings, one in Miami, Florida and the other in Fort Pierce, Florida, and Mr. Mason disagrees with having to make such trips to these cities from his home. The third order, again, according to Mr. Mason, threatened him with contempt. Mr. Mason does not complain about any other actions taken by Judge Graham, but he does complain that Judge Graham did not respond to his written inquiries regarding explanations as to why he, Mr. Mason, should adhere to the orders.

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**.


Chief Judge

Friday, February 08, 2002

Judge Complained Of: Donald L. Graham

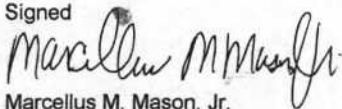
Honorable Chief Judge:

Mr. Graham has started to use his office as a United States District Judge in attempt to harass, annoy, bully, and intimidate me. Graham's actions and behavior have absolutely nothing to do with his official duties, but are personal in nature. In support of this conclusion, I offer the following facts:

1. On November 22, 2001, Mr. Graham issued order demanding that I travel from my home in Sebring, Florida to Miami, Florida or some 160 miles away to come to a hearing so that the "court" can address proper procedure and the conduct of the parties during this litigation. Case No. 99-14027-CIV- GRAHAM (Doc. 884). The problem with this order is that the case was closed on June 20, 2001. (Doc. 791). This case has been docketed for appeal since June 25, 2001. (Doc. 795). There is absolutely no reason to discuss anything on a case that has been closed. Despite two letters demanding why I should come to Miami or Fort Pierce for a hearing on the proper procedure in the conduct of litigation in a closed case, Graham refuses to answer. Mr. Graham is fully aware that I don't have the money to waste on meaningless exercises as I was proceeding *in forma pauperis*.
2. On January 25, 2002, Mr. Graham issued another "order" demanding that I come to Fort Pierce for a hearing on the conduct of proper procedure in this very same closed case. Case No. 99-14027-CIV- GRAHAM (Doc. 892). Mr. Graham refuses to state why he has jurisdiction in a case that is on appeal with the Eleventh Circuit or why the parties should discuss a closed case. Mr. Graham has made much of the fact that this case is closed.
3. On or about February 6, 2002, under the direct instructions of Mr. Graham, the clerk at the S.D.Fla. returned my notice of appeal in Case No. 01-14230-CIV-Graham. As a result of this action, I am going to have to file a petition for writ of mandamus with the Eleventh Circuit.
4. On January 23, 2002, Mr. Graham was served with a lawsuit by the Metro-Dade Police. This lawsuit captioned, Marcellus M. Mason, Jr. v. Highlands County Board of County Commissioners, Donald L. Graham, Frank Lynch, Jr., Brian Koji, Maria Sorolis, was filed in the 10th Judicial Circuit, In and For Highlands County Florida on January 11, 2002. The Case Number of this lawsuit is GC-01-587. Mr. Graham is being sued for acting clear violation of all jurisdiction in Case No. 99-14027.
5. Mr. Graham already has two 28 U.S.C. § 372(c) pending against him that were initiated by me. 01-0054 and 01-0068.
6. On February 4, 2002, Graham rendered an order threatening to hold me in contempt. This order is strictly personal in nature. This order is direct retaliation for actions I am taking against Graham.

Graham's behavior is unacceptable and simply will not be tolerated. Graham should not be able his Judge's robe under the guise of "judicial authority" for personal matters and his personal problems. I want this man and this rogue Judge stopped forthwith. Graham's behavior is no different than the schoolyard bully or punk.

Signed



Marcellus M. Mason, Jr.