

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: Steven Greer
Contact Address: 7029 Maidstone Drive
Port Saint Lucie, FL 34986
email preferred steve@greerjournal.com
Daytime telephone: (212) 945-7252

2. Name(s) of Judge(s): David Hittner
Court: Southern District of Texas Eastern Division

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: S.D. Tex
Case Number: 4:23-cv-03761

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:
Pro se Plaintiff

Judicial Council of the Fifth 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: _____

A handwritten signature in blue ink that reads "Steven Gray". The signature is written in a cursive style and is positioned over a horizontal line.

Date: _____

10/24/2023

Report of Judicial Misconduct

RE: Case No.: 4:23-cv-03761, *Greer v. The Lancet* in the Southern District of Texas

To: Chief Justice Priscilla Richman

Dear Chief Justice Richman,

I am writing to lodge a formal complaint of **judicial misconduct against Judge David Hittner** of the Southern District of Texas. I was a *pro se* plaintiff litigator with Judge Hittner assigned to case listed above.

I have considerable experience in Federal Court. For example, Chief Judge Swain of the Southern District of New York stated, “[Plaintiff is]...a fairly sophisticated and experienced litigant, who appears to possess a good understanding of the law”.¹ Also, Judge Cott of the S.D.N.Y stated, “[plaintiff] is a sophisticated gentleman in a lot of ways...”²

Of note, I am working with the S.D. Ohio to start a *pro se* clinic. A Harvard Law person who runs a successful *pro se* clinic elsewhere is assisting me.

As such, I can spot when a judge is not following the rules and is biased against *pro se* litigants. That is the case here, and to an extreme degree.

When I filed my lawsuit, I was promptly denied by Judge Hittner in my perfunctory motion for ECF filing rights (ECF 5). This is nothing I have ever encountered in multiple different federal districts. The *pro se* clinic I am working with has never experienced such a thing either. **It also conflicts with federal efforts encouraging the use of ECF.**

Judge Hittner knew I lived in Florida and that having to use USPS “snail mail” would stall matters so much as to be an **extreme prejudice against me**. That was clearly his intent.

Judge Hittner’s Order denying ECF also made no sense (ECF 5). It was baseless.

“Pending before the Court is Plaintiffs Motion for ECF Filing Rights (Document No. 2). Having considered the motion, submissions, and applicable law, the Court determines the motion should be denied. Accordingly, the Court hereby **ORDERS** that Plaintiffs's [sic] Motion for ECF Filing Rights (Document No. 2) is **DENIED.**”

I then withdrew my Complaint pursuant to F.R.C.P. 41(a)(1)(A)(i). This was a process that should have involved only the Clerk staff. **No order from a judge was required and no order should have been filed.**

¹ *Greer v. Fox News* 20-cv-5484 S.D.N.Y. September 7, 2022 (ECF 182, page 2)

² *Greer v. Mehiel* 15-cv-06119 S.D.N.Y. July 17, 2017 (ECF 396-6, page 24)

However, Judge Hittner, for unknown reasons, not only filed an Order relating to my voluntary dismissal (ECF 8), but he also violated F.R.C.P. 41 by ordering the case to be dismissed **with prejudice**. There is nothing in F.R.C.P. 41 of the Federal Rules of Civil Procedure that states a voluntary dismissal can be dismissed with prejudice. In fact, it states the opposite:

“(B) *Effect*. Unless the notice or stipulation states otherwise, **the dismissal is without prejudice**. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”

That means a plaintiff can only dismiss once without prejudice and refile. If this were my second dismissal, which it was not, then I would have dismissed my case with prejudice.

Judge Hittner violated court rules with his Order (ECF 8).

“ORDER

Pursuant to the Notice of Voluntary Dismissal filed on October 20, 2023, the above referenced case is **hereby dismissed with prejudice** as to all Defendants pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). The Clerk shall send a true copy to all counsel of record. SIGNED at Houston, Texas, on this 20 day of October, 2023.”

Judge Hittner was either incompetent as a judge, at best, or is trying to prevent me from filing the Complaint again. His Order created the ultimate prejudice and was without legal reason.

Of note, I have had no interaction with the judge to date. This is a freshly opened case. There was no justification for his hostile treatment.

Regardless, the merits of the Order are moot. No order by the judge was required, nor should it have been filed. It was inadvertently filed by this Clerk office and should be stricken.³

My lawsuit against The Lancet had as *de facto* defendants the same Warp Speed federal government defendants as in *Missouri v. Biden*. I state this clearly in the Complaint. Judge Hittner’s actions smack of judicial misconduct geared toward colluding with the Warp Speed machine.

Judge Hittner is either unfit for the job or engaging in illegal collusion with the Biden White House. **He should resign**, per The Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364.

Respectfully,  Steven E. Greer, MD steve@greerjournal.com

³ I have spoken to the Clerk and they instructed me to send a letter motion to have them strike the Order.