

OCT 17 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90237

ORDER

An individual has filed a Complaint against a United States district judge under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States.

Background

The record establishes that two companies filed a trademark-infringement action against multiple defendants. The plaintiffs then filed a motion for a temporary restraining order and a preliminary injunction, and after a hearing, the Subject Judge entered an order granting the motion and issuing a preliminary injunction. The plaintiffs later filed a motion to hold the defendants in contempt for violating the injunction, and the Subject Judge granted the motion. Afterward, the plaintiffs filed a second motion for contempt, a notice stating that Complainant and another individual

had recently filed certain trademark applications, and a motion to amend their complaint to add Complainant, his company, and others as defendants.

The Subject Judge issued orders granting the plaintiffs' second motion for contempt and motion to amend, and the plaintiffs filed an amended complaint. The Subject Judge later entered an order directing the defendants to take various actions, including directing Complainant to withdraw the trademark applications. The case remains pending.

Complaint

Complainant alleges the Subject Judge attempted to take "punitive actions" and acted outside the scope of his authority by ordering the defendants to withdraw their pending trademark applications. Complainant asserts the Subject Judge has a disability in trademark cases when corporations and their attorneys sue *pro se* minority plaintiffs. Complainant states, "Such disability experienced by him brings about discrimination and bias and prohibits him from respecting the basic trial rights under any circumstance of African American and Minority Pro Se Defendants." He alleges the Subject Judge "abandoned his duty and ability to be fair and impartial," which led to the creation of a record that would result in the plaintiffs winning the case without having a trial.

Next, Complainant alleges the Subject Judge engaged in *ex parte* communications with the plaintiffs' counsel, which "contributed to his biases against the African American Defendants" and caused him to disregard the defendants' records while accepting

the plaintiffs’ records. Finally, Complainant alleges the Subject Judge failed to liberally construe the defendants’ filings and allowed false and misleading information into the record.

Discussion

Judicial-Conduct Rule 4(b)(1) provides in part that “[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse.” The Commentary on Rule 4 explains the rationale for this rule as follows:

Rule 4(b)(1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations “[d]irectly related to the merits of a decision or procedural ruling.” This exclusion preserves the independence of judges in the exercise of judicial authority by ensuring that the complaint procedure is not used to collaterally call into question the substance of a judge’s decision or procedural ruling. Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge — without more — is merits-related.

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, rulings, findings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Complainant’s remaining claims are based on allegations lacking sufficient evidence to

raise an inference that the Subject Judge acted with an illicit or improper motive, acted outside the scope of his authority, was biased or otherwise not impartial, engaged in improper *ex parte* communications, suffered from a disability, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge