

FILED
ELEVENTH CIRCUIT
JUDICIAL COUNCIL

FEB 19 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90271

ORDER

Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; WALKER and BEAVERSTOCK, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

Done this 29th day of January, 2025.

FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

DEC 20 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90271

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.

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statements is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant filed a *pro se* civil complaint against one defendant, a motion to proceed *in forma pauperis*, and a motion for referral to a volunteer attorney program. The Subject Judge entered orders providing instructions to *pro se* litigants, denying the *in forma pauperis* motion, and denying the motion for referral. Complainant then filed, among other things, an

amended complaint and motions to recuse the Subject Judge. The Subject Judge issued an order dismissing the amended complaint without prejudice on the ground that it failed to comply with Federal Rule of Civil Procedure 8 and denying the motions to recuse and other motions. Complainant filed a notice of appeal and a motion to proceed *in forma pauperis* on appeal, and the Subject Judge denied the *in forma pauperis* motion because there were no non-frivolous issues on appeal.

Complaint

Complainant asserts there is “no question” that the Subject Judge’s “knowingly abusive actions in this matter were directed by the Government,” and that the Subject Judge “target[ed] me by my Known Medical Conditions.” Complainant alleges the Subject Judge “is intentionally intertwining actual authorities with his arbitrary and capricious orders and opinions, that are completely senseless (as a means of Targeting).” He complains that the Subject Judge failed to recuse himself from the case despite knowing that his impartiality could reasonably be questioned. Complainant alleges the Subject Judge knowingly issued “illegal orders,” unlawfully denied his motions, unlawfully dismissed the case, and attempted to dissuade him from filing an appeal “to contest his knowingly illicit actions.” He attached documents to his Complaint.

Supplement

Complainant’s supplement contains various case-related documents.

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, treated him in a demonstrably egregious and hostile manner, engaged in improper *ex parte* communications, was

not impartial, 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