

JUL 30 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90065

ORDER

Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; BEAVERSTOCK and WINSOR, 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 30th day of July, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

APR 29 2025

David J. Smith
Clerk

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ORDER

An individual has filed a Complaint against a United States magistrate 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 Complainant filed a *pro se* amended civil complaint against a defendant. The defendant later filed an answer and counterclaim. After a scheduling conference before the Subject Judge, Complainant filed a motion to recuse the Subject Judge. The case remains pending.

Complaint

Complainant alleges that at the scheduling conference, the Subject Judge treated her with “unusual hostility” and threatened

her “with an unfair outcome of the case as if it was already predetermined and biasedly advocated heavily on behalf of the defendant.” Complainant alleges the Subject Judge addressed her “in a demonstrably egregious and hostile manner, but hardly mentioned or addressed the defendant’s attorney, which leads to the assumption that improper one-party communication must have already taken place prior to the conference.” Complainant states, “About a week before the conference the defendant’s attorney mentioned to me that **he heard** that the court will not rule in my favor.” (Emphasis in original).

Complainant states that the Subject Judge persistently asked if a particular attorney for the defendant was present or joining the conference, that the Subject Judge “was apparently disappointed” that he was not, and that “[i]t clearly indicated that some kind of prior connection was established earlier or that an undisclosed conflict of interest may exist.” Complainant contends that “[i]t became clear that the defendant’s attorney’s strategy was coordinated with the Magistrate Judge’s handling of the case.” Complainant then complains about delay in the case and alleges the Subject Judge “turned a blind eye to the intentional misdirection of the defendant’s attorney” with respect to what law would apply in the case.

Next, Complainant contends the Subject Judge improperly stated that she could dismiss the case but rule in favor of the defendant on its counterclaims, which “may greatly influence the outcome in this case.” She alleges the Subject Judge “was bullying” her during the conference, “shaming and belittling” her for not being

able to find an attorney, and made threatening “one-sidedly aimed” comments towards her. Finally, she states the Subject Judge did not acknowledge that the defendant’s attorney was late in filing a joint report in the case.

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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on

Rule 4” states that “a complaint of delay in a single case is excluded as 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, findings, rulings, 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 Complainant in a demonstrably egregious and hostile manner, was biased or otherwise not impartial, had improper *ex parte* communications, had a conflict of interest, 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