

JUL 30 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90075

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

MAY 13 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 civil complaint against multiple defendants, and the defendants filed motions to dismiss. The Subject Judge later issued an order staying discovery pending resolution of the motions to dismiss. The Subject Judge also issued orders denying two motions for alternative service of process that Complainant had filed. Complainant filed a motion to disqualify the Subject Judge, which the Subject Judge denied.

The Subject Judge later issued a report recommending that Complainant's complaint be dismissed without prejudice as a shotgun pleading and that he be given a limited opportunity to file an amended complaint. The district judge adopted the report and recommendation. Complainant then filed an amended complaint, and the defendants filed motions to dismiss. The district judge stayed the case pending resolution of the motions to dismiss and directed the clerk to administratively close the case.

Complaint

Complainant states the basis of his Complaint "is a sustained pattern of prejudicial rulings, procedural sabotage, and coordinated actions which constitute active participation in a conspiracy to violate civil rights." He states the Subject Judge "exhibited clear and repeated bias against the pro se Plaintiff and has consistently issued rulings that shield the named Defendants, obstruct legitimate discovery efforts, and violate the Plaintiff's constitutional rights."

Complainant alleges the Subject Judge failed to rule on a motion for alternative service, which allowed the defendants to evade service, *sua sponte* stayed discovery in violation of certain precedent, improperly quashed valid service and struck deposition notices, failed to offer him an opportunity to amend his complaint, exhibited a pattern of favoring the defendants, denied him meaningful access to the courts, and obstructed justice. Complainant also alleges the Subject Judge threatened to retaliate against him at a hearing "if he publicly addressed improper service rulings," which

“represent[ed] a chilling of First Amendment rights and judicial intimidation.” He attached documents to his Complaint.

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, findings, rulings, report and recommendation, 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, was biased or otherwise not impartial, was part of a conspiracy, 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