

JUL 02 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90100

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 two supplements. The filing of the supplements is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant and another individual filed a “Petition for Review” naming multiple defendants, a motion for expedited review, and a motion to strike. The Subject Judge denied the motion for expedited review and motion to strike because the defendants had not been properly served. The plaintiffs then filed another motion for expedited review and a motion for a

default judgment, and the Subject Judge denied the motions because the defendants had not been properly served. The Subject Judge later granted a motion to dismiss for failure to state a claim that had been filed by two defendants. After additional proceedings, the Subject Judge entered an order that directed the clerk to stay the case pending a ruling on a motion to dismiss filed by the remaining defendants.

Complaint

Complainant states the Subject Judge referred to a defendant as a senator when he was a representative and that the “factual inaccuracy reflects a failure to review the record and raises concerns of judicial negligence or lack of diligence which undermines confidence in the integrity of the judiciary.” He contends the Subject Judge denied motions without reviewing them or holding a hearing, “which violates my right to be heard and demonstrates lack of impartial adjudication.” He alleges the Subject Judge failed to rule on motions in a timely manner, improperly denied a motion for substitution, imposed a stay that effectively protected the defendants, and violated the Code of Conduct for United States Judges. He also takes issue with another judge’s inaction.

Supplements

In his first supplement, Complainant alleges that the Subject Judge committed “judicial crimes,” delayed ruling on motions to prevent appellate review, allowed the defendant to engage in misconduct, engaged in a pattern of denying *pro se* filings while favoring counsel, committed fraud upon the court, had inappropriate *ex*

parte communications with the defendant’s attorney, and violated his constitutional rights. Complainant states he is “in possession of [Freedom of Information Act]-submitted requests indicating communications between the judge’s chambers and [the defendant’s] attorneys during the active stay.”

In the second supplement, Complainant reiterates his allegations and contends that the Subject Judge’s “orders and delays directly contravene” a recent Supreme Court decision.

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 judges’ 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 not impartial, had inappropriate *ex parte* communications, violated the Code of Conduct for United States Judges, 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