FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUL 17 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90114

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 statement is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant filed a petition for writ of habeas corpus, 28 U.S.C. § 2254, arguing that his rights under the Speedy Trial Act had been violated in connection with certain state-court proceedings. The Subject Judge entered an order denying the petition pursuant to the *Younger* abstention doctrine and because Complainant failed to exhaust his claims in state court.

Complainant later filed a "Writ of Prohibition" seeking to disqualify a state-court judge, and the Subject Judge construed the filing as a motion for reconsideration and denied it.

Complaint

Complainant alleges the Subject Judge committed perjury and conspired with others to keep him in jail when the Speedy Trial Act had been violated. He also discusses state-court proceedings and takes issue with the conduct of other individuals.

Supplement

In his supplement, Complainant reiterates his allegations and contends that the Subject Judge violated his constitutional rights.

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, 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 committed perjury, 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