FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUL 29 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90126

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 a federal grand jury returned a superseding indictment charging Complainant and others with multiple crimes. After various proceedings, Complainant pled guilty as charged in the superseding indictment, and she was sentenced to a term of imprisonment. This Court affirmed.

Complainant filed a *pro se* motion to vacate, set aside, or correct sentence, 28 U.S.C. § 2255, in part on the ground that her counsel had been ineffective. The Subject Judge issued a report recommending that Complainant's motion to vacate be denied, and in a

footnote, the Subject Judge denied a motion for discovery. Over Complainant's objections, the district judge adopted the report and recommendation.

Complaint

Complainant states her Complainant is based on the Subject Judge's "hostile and dismissive language, misrepresentation of the record, apparent bias, and a failure to uphold the duties owed to pro se litigants." She contends the Subject Judge failed to address her claims with "fairness or neutrality" and that his actions "reflect[ed] a pattern of conduct that frustrates the proper administration of justice and creates the appearance of favoritism toward the government." Complainant states the Subject Judge ignored and minimized evidence in his report and recommendation, failed to liberally construe her claims, improperly denied her discovery and a hearing, referred to one of her claims as frivolous despite supporting evidence, used "language and reasoning" that "showed alignment with the government," and acted on a motion for reconsideration "despite clear signs of prejudgment."

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, recommendations, 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, treated her in a demonstrably egregious and hostile manner, 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