

AUG. 04 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-25-90129 and 11-25-90147

ORDER

An individual has filed two Complaints 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* employment-discrimination complaint against multiple defendants. After various proceedings, the Subject Judge entered an order granting a motion for partial summary judgment that the defendants had filed, and over Complainant's objections, the district judge adopted the report and recommendation. Afterward, Complainant filed multiple motions seeking various types of relief, including a motion to recuse the Subject Judge, and the defendants filed a

motion for sanctions against Complainant, arguing he had made multiple misrepresentations of case law to the court.

The Subject Judge issued an order denying Complainant's motions, staying all proceedings pending a hearing, and directing the parties to appear for a hearing on the defendants' motion for sanctions and another motion. The order also stated that there was reason to believe that Complainant may have used artificial intelligence to assist him with some of his filings because he had cited "[f]ake cases and fake quotes." The order required Complainant to attach to any paper filed with the court a signed declaration that disclosed the use of any artificial intelligence, identified the portion of the filing prepared by artificial intelligence, and certified that he had checked the accuracy of any such portion. The order stated that any paper submitted without the declaration would be stricken and that any misrepresentations to the court could result in sanctions up to and including dismissal.

Complainant filed a "Notice to Preserve Objections, Due Process Rights, and to Clarify Procedural Position" in which he objected to the requirement that he provide a declaration with each filing. The Subject Judge entered an order stating that Complainant openly defied a lawful court order by failing to attach the required declaration to his notice, and directing him to be prepared to discuss the matter at the upcoming hearing. Complainant then filed, among other things, a notice that he had filed a judicial complaint against the Subject Judge. After a hearing, the Subject Judge entered an order instructing the defendant to file a motion for

monetary sanctions and a proposed order, stating that Complainant was “advised” that unless the district judge overruled the prior order, he must attach the declaration to all filed papers, and staying all proceedings until further instruction from the court. The case remains pending.

Complaint No. 11-25-90129

Complainant alleges the Subject Judge impermissibly issued a dispositive order and acted outside of her authority by requiring him to include a sworn declaration with every filing, in violation of 28 U.S.C. § 636. He states that the Subject Judge’s “unilateral imposition of a continuing procedural barrier on a pro se litigant—enforced through threats of dismissal—exceeded her jurisdictional authority and infringed upon the Plaintiff’s right to access the Court.” Complainant contends that the timing of the Subject Judge’s order, which was issued after he filed a motion to recuse her, supports an inference that she acted with a “retaliatory intent.” He continues, “There was no evidentiary hearing, no adversarial process, and no factual basis to support the procedural penalty. The appearance created is one of personal reprisal rather than neutral judicial case management.” Complainant states the Subject Judge blocked or delayed his ability to object to the order “through procedural ambiguity,” which raised “significant constitutional and statutory concerns” and appeared to be “designed to shield judicial behavior from appellate review.”

Next, Complainant contends the Subject Judge treated his filings as “incoherent” and “placed disproportionate procedural

burdens” on him while excusing the defendants’ “procedural lapses” and treating defense counsel with leniency, which had a chilling effect on his ability to access the courts and created a “hostile litigation environment.” He states that since he filed the motion to recuse, defense counsel had begun to forward the Subject Judge’s orders to him within minutes of filing, which created an “appearance of coordination or preferential access, especially given the rapid speed of notifications.” He states, “Even if unintentional, this undermines public confidence in judicial impartiality and suggests, at minimum, uneven enforcement of rules.” Finally, he alleges the Subject Judge’s actions violated the Code of Conduct for United States Judges and a recusal statute.

Complaint No. 11-25-90147

Complainant states that, at the hearing on the motion for sanctions, the Subject Judge used a “coercive tone” and repeatedly threatened him with sanctions “in a manner that appeared intended to intimidate and chill my ability to defend myself.” He states the Subject Judge “repeatedly cut off my responses while allowing defense counsel uninterrupted time to argue, which created a “clear appearance of favoritism that persisted throughout the proceeding.” Complainant contends that the Subject Judge encouraged the defense to file a new motion for sanctions before ruling on the defendants’ pending motions, which reflected a lack of neutrality and created the appearance that the court was collaborating with the defendants. He asserts that the Subject Judge’s statement at the hearing that she could not be personally biased against him

because she had never seen him before mischaracterized and “deflect[ed]” his arguments that she appeared to be biased.

Complainant contends that the Subject Judge’s post-hearing order “confirms a disturbing pattern of retaliation, bias, and pre-judgment,” and that the Subject Judge used the hearing and order “to advance an agenda of judicial punishment before any objection ruling has been issued by the District Judge.” Complainant asserts the Subject Judge’s continued enforcement of the order requiring him to include a declaration with every filing created a “retaliatory trap,” “chills protected procedural activity,” undermined “appellate safeguards,” and reflected an intent to punish him for exercising his rights. He states the requirement had no basis in precedent, federal rules, or local rules, lacked “definitional clarity,” failed “to account for modern research tools,” and was selectively applied only to him. He contends the Subject Judge’s use of the term “advised” in the order amounted to “judicial coercion,” that she applied a double standard that “amounts to structural bias” by staying all proceedings but allowing the defendants to file a motion for sanctions, and that her order “effectively assists the defense in re-tooling its failed sanctions motion.”

Complainant states the Subject Judge appeared to endorse defense counsel’s admission that he combed through Complainant’s filings outside regular hours to find citations, which Complainant asserts was “conduct more akin to harassment than advocacy.” He alleges the Subject Judge weaponized Federal Rule of Civil Procedure 11 in an effort to punish or silence a *pro se* litigant

for vigorously asserting his rights, and he complains that the Subject Judge failed to address multiple concerns raised in his prior filings. Finally, he states, “Collectively, these actions — threats, unequal treatment, tactical assistance to the defense, and continued hostility — create a strong appearance of judicial bias, undermine confidence in the fairness of proceedings, and amount to misconduct” under the Code of Conduct for United States Judges.

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 acted with an illicit or improper motive, was biased or otherwise not impartial, retaliated against him, treated him in a demonstrably egregious and hostile manner, 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