

AUG 15 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90138

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.

Background

The record establishes that a federal grand jury returned a superseding indictment charging Complainant and multiple codefendants with various crimes. At a jury trial, the Subject Judge granted Complainant’s and other defendants’ oral motion for a mistrial. There continues to be activity in the case.

Complaint

Complainant alleges that during trial, the Subject Judge “exhibited behavior inconsistent with the responsibilities and

obligations of a federal judge.” He states the Subject Judge “repeatedly appeared to fall asleep during significant portions of the trial, including witness testimony” and that “[o]n multiple occasions, his law clerk intervened to wake him either by nudging him or quietly calling his attention.” He alleges the Subject Judge showed a lack of attention and engagement, he “routinely failed to follow the proceedings,” and “his law clerk often had to remind him of prior testimony, motions, or other events already addressed on the records.”

Complainant alleges the Subject Judge improperly delegated matters to, and “displayed excessive reliance on,” his law clerk. He contends the law clerk “performed quasi-judicial functions outside their permitted role,” including drafting substantive orders “without apparent oversight,” providing oral instructions and legal suggestions during hearings, speaking directly to counsel on legal issues, and “interrupting court proceedings to remind the judge of trial events or suggest language, legal rules, or case citations.”

Complainant alleges the Subject Judge’s law clerk improperly interacted with the jury after the declaration of a mistrial. He states the jury “reportedly indicated” to the clerk that it wished to continue hearing the case, which “resulted in an audible disagreement between the judge and his clerk.” Complainant asserts, “The clerk was overheard stating ‘the jury wants to stay’ to which the judge responded at sidebar, ‘I have already declared a mistrial on the record[] and cannot undo it.’” Complainant states, “This

incident reflects a disturbing lack of control and propriety in courtroom procedure.

Complainant contends the Subject Judge frequently took recesses to privately confer with his law clerk “after which he would return and announce rulings.” Complainant states, “This pattern occurred so often that it gave the impression that judicial decisions were being made primarily—or exclusively—by the law clerk.” Finally, Complainant alleges that, on multiple occasions, “the law clerk interrupted the court’s conversations with counsel to” remind the judge of prior events in the trial, suggest phrasing for legal rulings, and provide legal authority or procedural rules. Complainant contends the Subject Judge’s actions undermined the fairness and integrity of the proceedings and left the parties and counsel “with the clear impression that the judge was not fully aware of, nor in control of, the trial.”

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 fell asleep during the trial, improperly relied on his law clerk, 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