FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

AUG. 18 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90140

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 Complainant filed a second amended civil complaint against multiple defendants and multiple motions seeking various types of relief, including a motion for clerk's entry of default. The Subject Judge entered orders denying the motion for clerk's entry of default and other motions. Complainant filed a "Rule 72(a) Objection" as to one the Subject Judge's orders. The Subject Judge then entered an order directing Complainant to properly serve each defendant. The case remains pending.

The record also establishes that Complainant filed another civil complaint against multiple defendants and a motion to proceed *in forma pauperis*. Complainant later filed a motion to expedite a ruling on his *in forma pauperis* motion. The Subject Judge then entered an order denying the motion to expedite as moot, taking the *in forma pauperis* motion under advisement, and giving Complainant an opportunity to amend his complaint and *in forma pauperis* motion to address various deficiencies. The case remains pending.

Complaint

Complainant states his Complaint "concerns a documented pattern of judicial misconduct by [the Subject Judge], including bias, retaliation, and obstruction of justice in violation of binding precedent," and he asserts the Subject Judge "acted in defiance of" cases from the United States Supreme Court and this Court. With respect to the first above-described case, Complainant contends the Subject Judge lacked jurisdiction to issue an order after Complainant filed a "Rule 72(a) objection," and that the Subject Judge's refusal to vacate the order constituted criminal contempt and "an unlawful usurpation of Article III authority." Complainant alleges the Subject Judge "blocked a timely request for default" and that the "act of procedural evasion directly undermines Supreme Court precedent."

As to the second above-described case, Complainant alleges the Subject Judge delayed review of the *in forma pauperis* motion for over 62 days and then improperly ordered him to refile the

motion and his complaint, even though a district judge had "already accepted the case and entered a preliminary order." Complainant states the Subject Judge's "interference" reversed a valid Article III ruling, violated Supreme Court precedent, and violated "the separation of powers."

Complainant alleges the Subject Judge exhibited a pattern of retaliation and bias. He states that after he filed objections and motions, "adverse ruling accelerated dramatically, while meritorious motions and service proofs were ignored for months." He states his access to the courts was stalled for months "then sabotaged through procedural redundancy," and that the delays "consistently disfavored me as a pro se litigant opposing public officials." Finally, he alleges the Subject Judge violated criminal and civil statutes, federal rules, and the Code of Conduct for United States Judges. He attached documents to his Complaint.

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 cases, 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 illicit or improper motive, was biased or otherwise not impartial, retaliated against him, obstructed justice, 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