

OCT 29 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90142

ORDER

Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; BEAVERSTOCK and WINSOR, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

Done this 29 day of October, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

AUG. 20 2025

David J. Smith
Clerk

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ORDER

An individual has filed a Complaint against a United States circuit 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 petition for writ of habeas corpus, 28 U.S.C. § 2254, challenging a state-court conviction, and the district court later denied the petition. Complainant moved for a certificate of appealability, and the Subject Judge denied the motion. Complainant moved for reconsideration, and a two-judge panel that did not include the Subject Judge denied the motion. Complainant then filed a “Motion to Vacate a Void Order,” and a two-judge panel that included the Subject Judge

directed the clerk to return the motion unfiled and to accept no further filings in the closed appeal.

Complaint

Complainant complains that the Subject Judge's order denying his motion for a certificate of appealability "defied the jurisdictional prerequisite outlined in 28 U.S.C. § 2253(c)(1)," violated Supreme Court precedent, improperly evaluated the merits of his constitutional claim, failed to reference the applicable standard of review, and resulted in a void judgment. Complainant also contends that the Subject Judge's order instructing the clerk to return his motion to vacate unfiled and to accept no further filings from him effectively denied him access to court. He alleges the Subject Judge demonstrated a lack of fundamental legal competence, infringed upon his due-process rights, showed bias, refused to consider legitimate legal arguments, undermined the principles of access to justice and equal protection, and failed to adhere to judicial standards. 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.

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 appeal, 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, 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