

OCT 29 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90152

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. 25 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90152

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 an individual, as executor of the estate of another individual, filed in state court a civil complaint against a company. An attached “Affidavit of Next of Kin” shows that the individual plaintiff is Complainant’s sister. The defendant removed the case to federal court. Complainant and another sibling then filed a motion to intervene and to disqualify the Subject Judge, stating they had filed a lawsuit against the Subject Judge that was related to the case.

The Subject Judge entered an order finding that the plaintiff could not represent the estate *pro se* and directing her to obtain representation by a certain date. The Subject Judge also entered an order denying the proposed intervenors' motion to intervene and denying as moot their motion to disqualify. The Subject Judge then entered an order dismissing the case without prejudice due to the individual plaintiff's failure to obtain representation. Complainant later filed a "Cross Claim" in the case, and the Subject Judge ordered the cross claim stricken. Complainant filed a motion for reconsideration, which the Subject Judge denied.

The record also establishes that Complainant and another individual filed in state court a civil complaint against the Subject Judge and others, and the Subject Judge removed the case to federal court. After various proceedings, a district judge entered orders dismissing the case as to the Subject Judge and remanding the case to state court.

Complaint

Complainant complains that the district court clerk's office failed to serve the Subject Judge and another judge with a summons in the first above-described case, and that a clerk's office employee stated she was "directed by Chambers to not issue" the summons. Complainant contends the Subject Judge failed to recuse despite evidence of bias and a conflict of interest. Complainant also alleges that the Subject Judge unlawfully removed the second above-described case to federal court and conspired with another judge to be dismissed from the case. Finally, he asserts the Subject

Judge issued a prefiling injunction against an individual in violation of her due-process rights.

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 first 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, had a conflict of interest, 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