

DEC 10 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90275

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 civil complaint against multiple defendants, an amended complaint, and motions seeking various types of relief, including a “Motion for Full Disclosure to Ensure Fairness and Transparency,” a “Motion for Court-Ordered Disclosure,” a motion for a protective order, and a motion for service by the United States Marshals Service. The Subject Judge entered an order denying the Motion for Full Disclosure, and Complainant filed a notice of appeal.

In the appeal, this Court's Clerk's Office issued a letter stating that all appellate deadlines were suspended until the district court ruled on the Motion for Court-Ordered Disclosure. Afterward, the Subject Judge entered orders denying Complainant's motion for a protective order and motion for service by the United States Marshals Service. The case remains pending.

Complaint

Complainant alleges the Subject Judge issued orders without authority and outside the scope of jurisdiction because this Court had tolled the proceedings pending a ruling on the Motion for Court-Ordered Disclosure. He contends this Court's "tolling order" required the district court to rule on the motion at issue "before taking any further action," and that the Subject Judge's orders on other matters constituted "*ultra vires* judicial action." He states, "Entering orders in violation of an appellate tolling directive is inconsistent with the obligations of judicial office and constitutes" cognizable misconduct. Finally, he states the Subject Judge "altered case obligations without lawful authority," created a "procedurally irregular docket," and "contributed to prejudice in [Complainant's] appellate posture, because the tolling order existed to protect appellate 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, and orders in the 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 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