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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-26-90036 and 11-26-90037

ORDER

An individual has filed a Complaint against a United States district judge and 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 *pro se* civil complaint against two defendants. He moved for permission to file electronically, and the Subject Magistrate Judge denied the motion. He then again moved for permission to file electronically, which the Subject Magistrate Judge construed as a motion for reconsideration and denied. After additional proceedings, the Subject District Judge dismissed the case with prejudice.

Complaint

Complainant states he was prejudiced by the order denying his motion to file electronically, and he complains that the order failed to inform him of a “pro se upload portal” that was available to *pro se* litigants.

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. Complainant’s allegations concern the substance of the Subject Magistrate Judge’s findings and orders in the case, and the allegations are directly related to the merits of the Subject Magistrate Judge’s decisions or procedural rulings. Judicial-Conduct Rule

11(c)(1)(B). He otherwise provides no credible facts or evidence in support of a claim that the Subject Judges engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge