

MAR 26 2026

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-26-90051

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 Complainant filed an amended civil complaint against one defendant, and the Subject Judge later dismissed the case. Complainant filed motions for reconsideration, which the Subject Judge denied. Complainant appealed. While the appeal was pending, Complainant filed in this Court a petition for writ of mandamus, which this Court later clerically dismissed for want of prosecution. The Subject Judge entered an order stating that this Court had dismissed Complainant's appeal and making this Court's mandate the order of the court. Complainant filed an

emergency motion to vacate the order on the ground that the Subject Judge incorrectly stated that his appeal had been dismissed when only his mandamus petition had been dismissed. The motion and Complainant's appeal remain pending.

Complaint

Complainant states that the Subject Judge "cited the wrong appellate case number to close my civil rights lawsuit while my actual appeal was still pending before this Court," which he contends violated a Supreme Court case that "prohibits district courts from acting on matters involved in an appeal until the appellate mandate issues." He states that the Subject Judge cited the dismissal of the mandamus petition as the basis for closing his civil-rights case, while his appeal remained pending, and he alleges that the Subject Judge "ignored" and "never responded" to his emergency motion to vacate the erroneous order.

Complainant contends the Subject Judge was either careless or intentionally misstated the status of his appeals. He also contends that the Subject Judge exhibited a pattern of denying his motions, which "suggests bias against pro se civil rights plaintiffs." He alleges the Subject Judge "attempted to moot my pending civil rights appeal, effectively circumventing the appellate court's jurisdiction," and he contends the Subject Judge's conduct undermined public confidence in the integrity of the judiciary. Finally, he states that this Court's failure to mention the Subject Judge's actions in an order "suggests coordination to protect [the Subject Judge] rather than correct the jurisdictional error."

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 Complainant’s 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 engaged in misconduct. Judicial-

Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is
DISMISSED.

/s/ William H. Pryor Jr.
Chief Judge