

MAY 12 2026

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-26-90088 through 11-26-90091

ORDER

An individual has filed a Complaint against a United States district judge, a former United States magistrate judge, a current United States magistrate judge, and 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.

As an initial matter, after Complainant filed his Complaint, he filed a supplement. The filing of the supplement is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant filed a *pro se* civil complaint against multiple defendants and motions to appoint counsel and for injunctive relief. He later filed motions to recuse the Subject District Judge and Second Subject Magistrate Judge

complaining about delay. The Second Subject Magistrate Judge issued an order and report denying Complainant's motions to appoint counsel and for recusal and recommending that his motions for injunctive relief be denied. Complainant filed objections and additional motions, and the case remains pending.

The record also establishes that Complainant filed in this Court a petition for writ of mandamus pertaining to the above-described case, a motion to proceed *in forma pauperis*, and a motion to stay the district-court proceedings. The Subject Circuit Judge issued an order denying the *in forma pauperis* motion and motion to stay on the ground that the petition was frivolous. This Court later clerically dismissed the petition for want of prosecution.

Complaint

Complainant alleges the Subject District Judge improperly failed to recuse from the case when he reviewed sealed medical evidence concerning Complainant's disability, which gave him personal knowledge of disputed evidentiary facts in the case. He alleges the Second Subject Magistrate Judge issued a "legally void" report and recommendation while recusal motions remained pending, the report was facially defective because it lacked a judge's signature, the report improperly contained "substantive and final-order determinations," the report "materially mischaracterized the role" of a defendant, the referral to the magistrate judge was "procedurally improper," and his motions for correction were unresolved. Complainant alleges the Subject Circuit Judge improperly issued a single-judge order denying his *in forma pauperis* motion,

incorrectly reframed his arguments, applied the wrong legal standard, and failed to address the specific relief sought. He alleges that the “pattern of judicial handling in this case ... reflects a systematic failure to afford a disabled *pro se* litigant the equal access to the judicial process that federal law guarantees.”

Complainant further alleges he is in a “two-judge recusal loop” in which the Second Subject Magistrate Judge ruled on his motion to recuse the Subject District Judge, who in turn, is reviewing the Second Subject Magistrate Judge’s report and recommendation. He contends that a reasonable person would question the judges’ impartiality under the circumstances. Complainant also takes issue with delay in the case, and he states that the Second Subject Magistrate Judge ruled on his motions only after he filed a motion to recuse. He states, “this timing and selective delay appear punitive and one-sided rather than neutral case management.” He contends that delay in ruling on one of his motions led to him losing access to filings in his case. Complainant takes issue with the denial of a motion to change health providers, contending the Second Subject Magistrate Judge improperly referred to his “treating provider” as an “insurance company.” He also takes issue with the denial of his motion to appoint counsel, contending it was impossible for him to adequately present the case *pro se* and that the Second Subject Magistrate Judge created a “new, judge-created requirement” that makes it more difficult for disabled *pro se* litigants to obtain counsel. He also takes issue with the processing of his Complaint.

Supplement

In his supplement filing, Complainant states that he makes no allegation of misconduct concerning the Former Subject Magistrate Judge that he “do[es] not have a complaint against” her.

Discussion

1. Former Subject Magistrate Judge

In the light of Complainant’s statements in his supplemental filing that he did not intend to file the Complaint against the Former Subject Magistrate Judge, the Complaint is deemed **WITHDRAWN** to the extent it concerns the Former Subject Magistrate Judge. Judicial-Conduct Rule 27(a).

2. Remaining Subject Judges

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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as merits-related.”

To the extent the Complaint concerns the remaining Subject Judges, the Complaint fails to present a basis for a finding of misconduct. To the extent the Complaint concerns the remaining Subject Judges’ official actions, findings, rulings, report, recommendations, and orders in Complainant’s case and mandamus proceeding, the allegations are directly related to the merits of the Subject Judges’ 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 remaining Subject Judges acted with an illicit or improper motive, were not impartial, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED** to the extent it concerns the remaining Subject Judges.

/s/ William H. Pryor Jr.
Chief Judge