

**CONFIDENTIAL**

**BEFORE THE CHIEF JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT**

**Judicial Complaint No. 11-21-90099**

**FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT**

**NOV 04 2021**

**David J. Smith  
Clerk**

**IN THE MATTER OF A COMPLAINT FILED BY \_\_\_\_\_**

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IN RE: The Complaint of \_\_\_\_\_ against United States District Judge  
\_\_\_\_\_ of the United States District Court for the \_\_\_\_\_ District of  
\_\_\_\_\_, under the Judicial Conduct and Disability Act of 1980, Chapter 16 of  
Title 28 U.S.C. §§ 351-364.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States District Judge \_\_\_\_\_ (the “Subject Judge”), pursuant to Chapter 16 of Title 28 U.S.C. § 351(a) and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (“JCDR”).

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

**Background**

The record shows that in July 2020 Complainant filed a document that was docketed under a miscellaneous case number, and after that, he filed multiple notices and motions. In March 2021 a magistrate judge issued a report recommending that the action be dismissed for lack of service under Fed. R. Civ. P. 4(m) and for lack of jurisdiction under the *Rooker-Feldman* doctrine. In August 2021 the Subject Judge issued an order adopting the report and recommendation and dismissing the case. The order stated that because the case was closed, Complainant was not permitted to file additional notices apart from a notice of appeal or to file any motion unrelated to the final judgment, to issue additional summons, or to seek to issue subpoenas in the matter. After that, Complainant filed, among other things, a “Motion to Withdraw Judgment and to Vacate Order pending request for Three Court Judge,” which the Subject Judge denied.

**Complaint**

In his Complaint of Judicial Misconduct or Disability, Complainant takes issue with the Subject Judge’s August 2021 order restricting him from submitted further filings

in the case, contending the order deprived him of his rights by not setting out the reasons for the restriction. He asserts the Subject Judge interfered with his constitutional right of access to the courts because the United States Marshals Service will not allow him to enter “the building where [his] business and specific books are maintained.” He attached the Subject Judge’s August 2021 order to his Complaint.

### Supplement

In his supplemental statement, Complainant alleges the Subject Judge: (1) ignored his request for a jury trial; (2) was more concerned with the compensation amount than with breach of trust, constitutional violations, or identity fraud; (3) “[e]nforc[ed] constitutional violations under color [of] law by application of foreign doctrines as Rooker-Feldman”; and (4) used “such doctrines” in a discriminatory manner.

### Discussion

Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, “Allegations Related to the Merits of a Decision or Procedural Ruling,” 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” states in part:

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.

To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, findings, rulings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provide no credible facts or evidence in support of his claims that the Subject Judge engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” JCDR 11(c)(1)(B), and the Complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists,” JCDR 11(c)(1)(D). For those reasons, pursuant to Chapter 16 of Title 28 U.S.C. § 352(b)(1)(A)(ii) and (iii), and Rule 11(c)(1)(B) and (D) of the Rules for

Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.

Chief Judge