

JAN 18 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

---

Judicial Complaint Nos. 11-21-90140 and 11-21-90141

IN THE MATTER OF A COMPLAINT FILED BY:

---

---

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

---

**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Magistrate Judge \_\_\_\_\_ and United States District Judge \_\_\_\_\_ (collectively, “the Subject Judges”), under the Act, 28 U.S.C. § 351(a), and the Rules for Judicial-Conduct and

Judicial-Disability Proceedings of the Judicial Conference of the United States (“Judicial-Conduct Rules”).

### **Background**

The record shows that in June 2021 Complainant and another individual filed a “Class Action” complaint against a city and other defendants raising various claims, and the complaint was signed only by Complainant. On June 17, 2021, Complainant filed an emergency motion for a temporary restraining order (TRO) and a motion for preliminary and permanent injunctive relief.

On the same day, Judge \_\_\_\_\_ entered an order stating Complainant (1) filed a class action complaint; (2) brought the case on behalf of another individual; (3) was proceeding *pro se* and could not represent others; and (4) was limited to proceeding on his own behalf because only he signed the complaint. Judge \_\_\_\_\_ ordered the complaint stricken as an impermissible “shotgun pleading.” Judge \_\_\_\_\_ also denied the motions for a TRO and for injunctive relief, stating, among other things, that Complainant provided no reason why he waited to seek emergency relief despite that the parties’ dispute dated back at least two years.

On July 6, 2021, the plaintiffs filed an emergency motion for injunctive relief and an amended complaint, which was signed by both plaintiffs. On the same day, Judge \_\_\_\_\_ entered an order striking the amended complaint as an impermissible shotgun pleading and dismissing the case, stating the plaintiffs made no effort to

remedy the deficiencies in the initial complaint. The plaintiffs then filed a motion for relief from the order, which Judge \_\_\_\_\_ construed as a motion for reconsideration and denied.

### **Complaint**

Complainant states he was informed that the order striking his amended complaint was issued 45 minutes before his amended complaint, motion for injunctive relief, and exhibits were filed, and he alleges the Subject Judges dismissed his case without reviewing his filings. Complainant contends that an order erroneously stated that he represented another individual and that he filed a class action lawsuit, and he takes issue with the statement that he waited to file the case. He also states he “strongly disagree[s]” with the finding that he filed a shotgun pleading.

Complainant states the Subject Judges’ rulings were based on their “callousness and beliefs instead of justice” and “with total disregard to [his] constitutional rights.” He states that, in his opinion, the Subject Judges “wanted this case to disappear” because they “have some type of relationship with the” the city defendant, and that the case “shows some form of corruption or miscarriage of justice for some type of relationship.” Complainant also states the district court and Judge \_\_\_\_\_ “have done this” in a previous case filed against the same city defendant. He seeks various types of relief and attached documents to his Complaint.

## 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.

To the extent Complainant’s allegations concern the substance of Judge \_\_\_\_\_ official actions, findings, rulings, and orders in the above-described case, the allegations are directly related to the merits of Judge \_\_\_\_\_ decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provides no credible facts or evidence in support of his claims that the Subject Judges acted with an illicit or improper motive or otherwise engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” under Judicial-Conduct Rule 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,” under Judicial-Conduct Rule 11(c)(1)(D). For those reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge