

JUL 18 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-22-90079

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, 28 U.S.C. §§ 351-364.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against  
United States District Judge \_\_\_\_\_ ( “the Subject Judge”), un-  
der 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 March 2018 \_\_\_\_\_ filed in state court a foreclosure action against Complainant, \_\_\_\_\_, and others, and in December 2020 Complainant and \_\_\_\_\_ (“the \_\_\_\_\_ Parties”) filed counterclaims against the plaintiff, the \_\_\_\_\_, which had been appointed as receiver of \_\_\_\_\_ in 2008 (“\_\_\_\_\_”), \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_. In March 2021 \_\_\_\_\_ removed the case to federal court, and the case was assigned to the Subject Judge.

In April 2021 Complainant filed, among other things, a motion to dismiss the first amended complaint, arguing in part that a promissory note on which the claims against him were based had been forged, and other parties filed motion to dismiss the \_\_\_\_\_ Parties’ counterclaims. In June 2021 the Subject Judge entered an order noting that the \_\_\_\_\_ Parties had repeatedly copied the court on email correspondence, admonishing them, directing them to cease all future email communications with the court except as provided in the court’s practices and procedures, and reminding them that failure to comply with court orders may result in sanctions. After that, the \_\_\_\_\_ Parties filed multiple motions seeking various types of relief, including an “Expedited Application to Sell Real Property.”

In August 2021 the Subject Judge entered an order referring the case to mediation, and the \_\_\_\_\_ Parties filed motion seeking an expedited ruling on their application to sell real property. That same month, the Subject Judge entered an order granting the

motions for an expediting ruling and denying without prejudice the motion for order of sale, stating the court saw no reason to grant the motion for sale prior to the mediation conference and that the court did not understand why the \_\_\_\_\_ Parties would schedule a sale without prior court approval. After that, a settlement conference was held, and the mediator issued a notice stating that the parties had reached a full settlement. In September 2021 the parties filed a joint stipulation for dismissal with prejudice, and the Subject Judge entered an order dismissing the case.

### **Complaint**

Complainant alleges the Subject Judge had a financial interest in \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, who were parties to the above-described case. He states that the Subject Judge’s Financial Disclosure Reports show that she has a mortgage and an individual retirement account with \_\_\_\_\_, which is the owner of \_\_\_\_\_, and that she has a financial interest in \_\_\_\_\_, which owns the \_\_\_\_\_. He states that the “\_\_\_\_\_ note which was being enforced was also purportedly held by the Plaintiff \_\_\_\_\_ on behalf of a closed trust, the \_\_\_\_\_.”

Complainant asserts the Subject Judge forced the \_\_\_\_\_ Parties into a settlement and forced them to pay more than a million dollars, and that the “motive behind her bias and prejudice” was that she had “millions of dollars stored in offshore accounts in the Cayman Islands and lists \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as her conflicting financial interests.” He states, “That means this judge ruled against us on multiple occasions, cost us a million

dollars, enforce[d] a knowingly forged note, all for her own personal gain and to protect her own financial interests.” He asserts the Subject Judge abused her judicial authority and violated the \_\_\_\_\_ Parties’ due process and equal protection rights “for her own personal financial gain and to protect her own biased interests.”

Next, Complainant alleges that the Subject Judge “was rude, biased and acted angry at the [\_\_\_\_\_ Parties] during every motion and hearing,” refused to consider any motions filed by the \_\_\_\_\_ Parties, refused to consider the claim that a party knowingly submitted a forged document, and only ever ruled in favor of the plaintiff. He further states the Subject Judge “berated the [\_\_\_\_\_ Parties] for filing their motions, disregarded them, did not rule on them, and even got angry at [Complainant] for selling his home at the height of the market to avoid losing more equity in the property.” Finally, Complainant states he wants the Subject Judge incarcerated for taking a bribe and wants opposing counsel arrested for, among other things, “bribing a federal judge.”

Complainant attached documents to his Complaint, including what appear to be the Subject Judge’s 2018 and 2019 Financial Disclosure Reports, which show that during the periods covered by the reports the Subject Judge had a mortgage with \_\_\_\_\_, had an individual retirement account with \_\_\_\_\_, and received dividend income from “\_\_\_\_\_” and \_\_\_\_\_. He also attached a November 2019 document stating that \_\_\_\_\_ is owned by and is a subsidiary of \_\_\_\_\_.

## 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.

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. Such an allegation may be said to challenge the correctness of an official action of the judge, *i.e.*, assigning a low priority to deciding the particular case.”

To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, rulings, and orders in the above-described case, including the allegations of delay, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge had a financial interest in a party or a conflict of interest, was biased or prejudiced, treated the \_\_\_\_\_ Parties in a demonstrably egregious or hostile manner, accepted a bribe, or otherwise engaged in misconduct. Even assuming that the Subject Judge’s investments would have required her disqualification from the case had it been in federal court in 2018 or 2019, which is the period covered by the Financial Disclosure Reports, the case was removed to federal court in March 2021, and there has been no showing as to the Subject Judge’s holdings during the pendency of the case in federal court.

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