

JAN 10 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

---

Judicial Complaint No. 11-22-90173

---

**ORDER**

Two individuals have filed a Complaint against a United States magistrate 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 shows that in November 2022 Complainants filed a civil complaint against multiple defendants. In December 2022, the Subject Judge issued an order directing the Complainants to either pay the filing fee or move for leave to proceed *in forma pauperis* and dismissing the complaint without prejudice to the filing of an amended complaint. The Subject Judge stated that parts of the complaint bore “the hallmarks of a ‘sovereign citizen’ pleading,” and that any amended complaint must exclude allegations

that a cause of action depended on Complainants' status as sovereign citizens. Complainants then filed, among other things, a motion to disqualify the Subject Judge, alleging he had demonstrated prejudice against them, and the Subject Judge denied the motion. The case remains pending.

### **Complaint**

Complainants state they "fear they will not receive a fair and impartial hearing, because of [the Subject Judge's] demonstrable prejudice against them." Complainants take issue with the Subject Judge's statements involving sovereign citizens, contending the Subject Judge attempted to add facts that were not in evidence, he used a term with an "odious connotation," and his statements "cast significant doubt" on his ability to remain impartial and eroded public confidence in the judiciary. They attached a document to their 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.

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, rulings, findings, and orders in the above-described 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 exhibited prejudice, was not impartial, 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