

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

JUL 19 2023

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

---

Judicial Complaint Nos. 11-23-90004 and 11-23-90005

---

**ORDER**

Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges; CORRIGAN and WALKER, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

FEB 13 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

---

Judicial Complaint Nos. 11-23-90004 and 11-23-90005

---

**ORDER**

An individual has filed a Complaint against two United States district judges 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 July 2020 Complainant filed a *pro se* amended complaint against an insurance company and other defendants, alleging the defendants conspired to deny his civil rights. The next month, the Second Subject Judge issued an order directing Complainant to show cause why the case should not be dismissed and why he should not be sanctioned for filing a complaint and motions that violated Federal Rule of Civil Procedure 11(b). After a hearing, the Second Subject Judge issued an order finding

that the complaint was frivolous and that Complainant was a vexatious litigant. The order directed Complainant to show cause why he should not be sanctioned and enjoined him from filing any new civil actions in the district without preapproval by the court.

In December 2020, the Second Subject Judge entered an order dismissing the case for lack of subject-matter jurisdiction, directing Complainant to pay monetary sanctions, permanently enjoining him from filing legal documents or new actions in any forum without leave of court, and requiring him to post a \$1,000 bond in connection with any document purporting to commence a new proceeding. Complainant appealed, and this Court later affirmed the dismissal of his complaint, the sanctions award, and the permanent pre-filing injunction.

Afterward, the Second Subject Judge entered an order holding Complainant in civil contempt for failing to pay the sanctions. The Second Subject Judge also noted that he had denied Complainant's request that counsel be appointed at a show-cause hearing. In September 2022, the Second Subject Judge issued a memorandum noting that Complainant had submitted a motion to vacate the judgment based on a determination that no financial security existed for a vehicle in an insurance policy and directing the clerk not to docket the motion because it failed to comply with the December 2020 order.

The record also shows that in June 2022 Complainant appealed certain bankruptcy-court orders to the district court, and he then filed motions seeking various types of relief. In September

2022, the First Subject Judge entered an order directing Complainant to post the required \$1,000 bond. The next month, the First Subject Judge dismissed the appeal because Complainant failed to comply with the order. Complainant appealed to this Court, and this Court later clerically dismissed the appeal for want of prosecution.

### **Complaint**

Complainant alleges the Subject Judges obstructed justice and violated the Code of Conduct for United States Judges by concealing “evidence showing no liability coverage existed” for a certain individual, and he complains that the Subject Judges did not allow the clerk to docket certain filings he submitted. He also alleges that by issuing the injunction against him, the Subject Judges discriminated against him, denied him access to the court, and sought to “protect several others.” He alleges one of the Subject Judges intentionally delayed taking certain action, which constituted “discrimination clearly to obstruct justice as defined under federal law.” He also takes issue with the Subject Judges’ actions in connection with the requirement that he post a \$1,000 bond. He 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.

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainant’s allegations concern the substance of the Subject Judges’ official actions, rulings, findings, and orders in the above-described cases, 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 Subject Judges obstructed justice, discriminated against him, acted to protect others, intentionally delayed taking action, violated the Code of Conduct for United States Judges, 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