

FEB 14 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-23-90006

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**ORDER**

An individual has filed a Complaint against a United States district 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 February 2022 Complainant filed a civil complaint against multiple defendants. In April 2022, he filed an affidavit alleging the Subject Judge was biased and asserting she should be disqualified from the case. The defendants then moved to dismiss the case. In June 2022, the Subject Judge entered an order granting the defendants' motion to dismiss on the ground that the defendants were immune from suit, and the Subject Judge issued a final judgment in favor of the defendants.

## **Complaint**

Complainant alleges that in June 2022 the Subject Judge acted without jurisdiction, issued a void order, made an “egregious error in law,” and violated Complainant’s constitutional rights and United States Supreme Court precedent. He contends the Subject Judge never ruled on his April 2022 affidavit, which made the affidavit binding on the Subject Judge and removed all jurisdiction in the case. 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. All of Complainant's allegations concern the substance of the Subject Judge's official actions, rulings, findings, and orders in the above-described case, and the allegations are directly related to the merits of the Subject Judge's decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge