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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-23-90011 and 11-23-90012

ORDER

An individual has filed a Complaint against a United States magistrate judge and 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 June 2022 Complainant filed a civil-rights action against the United States and other defendants. He then filed, among other things, a motion to dismiss one of the defendants, and the Subject Magistrate Judge denied the motion as moot on the ground that the defendant had not been named in the complaint. In September 2022, the Subject District Judge entered an order directing that multiple cases Complainant had filed be consolidated and reassigned to him. The Subject District Judge

then issued an order dismissing the consolidated cases for failure to state a claim on which relief could be granted. The order also permanently enjoined Complainant from, among other things, initiating any new action without leave in the light of his repeated, non-meritorious filings.

Complaint

Complainant states the Subject Judges enjoined him from filing complaints in the district court despite being aware that he “was only acting based on harassing communications from the United States [a]nd Defendants listed that were and are violating his constitutional, civil, human and other rights in all matters regarding his filings.” He states the Subject Judges acted “on behalf of the Defendants and are violating all if not most laws that protect the United States Constitution, Civil Rights Acts.” He also states the Subject Judges violated laws that protect against discrimination, failed to protect his rights, and failed to investigate crimes being committed against him.

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 proceedings, 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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge