

MAR 13 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-23-90017

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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**

In his Complaint, Complainant states that his complaint arises out of a specific case, but the record establishes that the Subject Judge was not assigned that case. The Subject Judge was assigned two other cases Complainant initiated, and the Subject Judge dismissed both cases.

In August 2022, Complainant filed a “Motion for a Stay Pending Appeal” and a motion for leave to proceed *in forma pauperis*. The next month, the Subject Judge entered an order

dismissing the case on the ground that Complainant failed to meet the pleading requirements of the Federal Rules of Civil Procedure and denying his *in forma pauperis* motion as moot. Complainant filed a motion for reconsideration, which the Subject Judge denied.

### **Complaint**

Complainant asserts the Subject Judge “has been under investigation” by a United States circuit court and the United States Attorney General “for similar circumstances added at this current time.” He contends the Subject Judge should have recused herself from the “present case,” and that the Subject Judge dismissed his case without knowing the facts, considering all the evidence, or reading all the pleadings. 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 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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge