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David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-23-90023 through 11-23-90025

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**ORDER**

An individual has filed a Complaint against two United States district judges and one United States bankruptcy 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 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. In December 2020, the Second Subject District Judge entered an order dismissing the case for lack of subject-matter jurisdiction, directing Complainant to pay monetary sanctions to the defendants, 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.

The record also shows that in April 2022 Complainant filed an application for leave to file a Chapter 11 bankruptcy petition and a request for electronic noticing. He later filed a “Valid Chapter 7 Petition for an Automatic Stay” pending the outcome of an upcoming hearing. In May 2022, the Subject Bankruptcy Judge issued an order finding the unauthorized petition was void and of no effect in the light of the pre-filing injunction. The next month, the Subject Bankruptcy Judge issued an order requiring Complainant to post the \$1,000 surety bond. Complainant then filed a notice of appeal.

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

### **Complaint**

Complainant alleges the Subject Judges discriminated against him and violated his rights by denying him the ability to receive electronic notifications, stating he was forced to file documents in person and forced to pay for accessing documents electronically. He contends that the First Subject District Judge and the

Subject Bankruptcy Judge “overrode the permanent injunction order by refusing to permit ECF noticing or electronic filing documents,” and he states the Subject District Judges denied him access to the courts and foreclosed his right to bring meritorious bankruptcy claims by unreasonably applying the injunction. He also asserts the Subject Bankruptcy Judge sought to prevent him for submitting certain evidence. 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 discriminated against him, acted with an illicit or improper motive, 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