

APR 28 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

---

Judicial Complaint No. 11-23-90043

---

**ORDER**

Two individuals have 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 2020 two companies filed a lawsuit against Complainants and others raising various claims. The plaintiffs later filed a motion for partial summary judgment, and the defendants filed multiple motions to dismiss in which they alleged the plaintiffs had submitted fraudulent and fabricated documents. The Subject Judge entered an order granting in part and denying in part the plaintiffs' motion for summary judgment and denying the defendants' motions to dismiss. After additional proceedings, the Subject Judge entered an order rejecting his previous order in part

upon reconsideration of the record and denying the plaintiffs' motion for partial summary judgment as to a certain claim. The Subject Judge also determined that the defendants had waived their right to a jury trial by failing to demand a jury trial in their answers.

After a bench trial, the Subject Judge entered an order finding in part that the defendants committed fraud, and directing them to pay the plaintiffs a certain amount that included attorneys' fees and punitive damages. On appeal, this Court remanded the case to the district court for the limited purpose of determining whether diversity of citizenship existed when the complaint was filed.

The Subject Judge later issued an order noting that the plaintiffs had filed a motion for voluntary dismissal of their complaint in which they admitted there was not complete diversity of citizenship at the time the complaint was filed. The Subject Judge stated he was "disappointed that Plaintiffs either intentionally or negligently misrepresented" the citizenship status of their members when asserting there was complete diversity. The Subject Judge then stated that, while it appeared the plaintiffs' motion for voluntary dismissal should be granted, the court would not address the motion unless and until the full case was remanded to the court and the defendants had an opportunity to respond.

Afterward, this Court vacated the district court's final order and remanded the case to be dismissed because the district court lacked subject-matter jurisdiction at the time the complaint was filed. The defendants then filed in the district court a motion to

dismiss the case. Approximately two weeks after this Court issued its order, the Subject Judge entered an order vacating the final order and dismissing the case without prejudice.

### **Complaint**

Complainants contend that the Subject Judge refused “to honor the original Plaintiff’s request to dismiss this case without prejudice,” refused to issue a decision terminating the case, refused to correct the plaintiffs’ mistakes, engaged in fraud, issued a “wrongful” and “fraudulent” judgment, conspired with others to issue certain decisions, acted with “illegal and criminal intent” for his personal financial gain, attacked the defendants, deliberated caused them financial harm, obstructed justice, issued orders that “contradict[ed] his outline of events,” showed favor towards an attorney, retaliated against one of the Complainants, accepted bribes, did not honor the defendants’ request for a jury trial, issued one-sided decisions in favor of the plaintiffs, and allowed a witness to make false statement.

### **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 Complainants’ 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). Complainants’ 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