

MAY 31 2023

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-23-90066 through 11-23-90068

ORDER

Two individuals have filed a Complaint against three United States district judges 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 establishes that in 2015 one of the Complainants filed an amended complaint against multiple companies, alleging claims of employment retaliation and breach of contract. The Third Subject Judge later entered an order finding the parties had reached a settlement agreement. This Court affirmed the enforcement of the settlement agreement. The Complainant later filed additional motions in the district court seeking various types of relief.

The record establishes that in 2018 one of the Complainants filed a lawsuit against a company, alleging in part that the defendant violated the Americans with Disabilities Act by failing to provide him reasonable accommodations in connection with an examination. The defendant filed a motion for summary judgment. A district judge who is not one of the Subject Judges issued an order granting in part the motion for summary judgment as to one count. The case was later reassigned to the First Subject Judge. The First Subject Judge entered an order granting the Complainant summary judgment on the remaining count and enjoining and restraining the defendant from refusing to offer him reasonable accommodations to take the examination. On appeal, this Court vacated and remanded for re-evaluation. The First Subject Judge later entered an order finding the defendant was entitled to summary judgment on one count because the Complainant's requested accommodation was unreasonable.

The record establishes that in 2020 one of the Complainants filed a lawsuit against a bank. He later filed a motion for a clerk's entry of default, and the defendant filed a motion to dismiss the case. The Second Subject Judge entered an order denying the Complainant's motion for a clerk's entry of default and granting the defendant's motion to dismiss on the ground that the Complainant failed to properly serve the defendant with process. This Court affirmed the dismissal of the case.

The record establishes that in 2023 one of the Complainants filed a lawsuit against a bank. The Second Subject Judge initially entered an order dismissing the case for lack of subject-matter jurisdiction. The Complainant filed a motion for reconsideration and a motion to recuse, and the Second Subject Judge entered an order granting the motion for reconsideration, vacating the prior order, directing the Complainant to file an amended complaint, and denying the motion to recuse.

Complaint

Complainants first request the “immediate removal” of the Subject Judges and “corrections to” their orders issued in the above-described cases. Complainants state, “The Federal Courts’ Legal Bigotry is so institutionalized that both District Judges and all 15 Appellate Court Justices did not hesitate to commit hate crimes against [one of the Complainants] to retaliate against [him] solely for being a disabled non-attorney in Federal Court,” despite that a court decision caused him to lose his attorney. Complainants state the labeling of judges “as legal bigots is not name calling, it brings attention to the Federal Judge’s lack of self-awareness.”

Complainants then assert that the Subject Judges and other court employees “treated non-attorney parties with hostility and lack of due process.” They contend that in a disability case, one of them “was not even given the chance to give his own deposition or give accommodations while trying to represent himself as a non-attorney Plaintiff,” and that the court and defendant used his “disability as a weapon . . . for the sole purpose of tricking [him] out of

this opportunity to depose himself.” Complainants state that “Legal Bigoted Orders continue to hurt” them in other cases. Complainants also take issue with the actions of individuals other than the Subject Judges, and they provided a USB drive that they state contains various case files.

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 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). Complainants' remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judges acted with an illicit or improper motive, were biased against *pro se* litigants, committed hate crimes, retaliated against Complainants, treated them in a demonstrably egregious or hostile manner, 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