

JUN 29 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-23-90079

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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**

The record shows that in 2022 Complainant filed a civil lawsuit against multiple defendants, and he later filed multiple motions seeking various types of relief, including a motion to amend his complaint. The Subject Judge entered an order denying Complainant's motions, and the motion to amend was denied on the ground that the amended complaint was a shotgun pleading. Certain defendants then filed a motion to dismiss the claims against them.

## **Complaint**

Complainant alleges that the Subject Judge “intentionally and unlawfully committed manifest injustice” by denying his motions, denied the motions “based on discrimination” and in furtherance of a conspiracy, colluded with clerks who forced him to pre-pay for his filings, violated the Code of Conduct for United States Judges, engaged in “improper activity involv[ing] the breaching of judicial due process,” mischaracterized his amended complaint as a shotgun pleading, violated his constitutional and civil rights, and failed to act on his motion to amend for 160 days. Complainant states the Subject Judge “is believed to be involved in a conspiracy ring involving a union that consists of” judges and others, and the “agenda of the union is to keep” him from filing a lawsuit against one of the defendants. Complainant also states he was involved in a lawsuit in 2014, and in connection with that case, the Subject Judge had him removed from the courtroom and denied him access to the court.

## **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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as merits-related. Such an allegation may be said to challenge the correctness of an official action of the judge, *i.e.*, assigning a low priority to deciding the particular case.”

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, findings, and order 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 acted with an illicit or improper motive, colluded or conspired with others, violated the Code of Conduct for United States Judges, 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