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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90014

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 Complainant filed an amended civil complaint against multiple defendants. The case was later transferred to a different district court, and a magistrate judge found the complaint failed to state a claim and directed Complainant to file a second amended complaint. The case was then randomly reassigned to the Subject Judge. The Subject Judge entered an order dismissing the case because Complainant failed to show that the court had subject-matter jurisdiction. Afterward, Complainant

filed a motion to recuse the Subject Judge, which the Subject Judge denied.

Complaint

Complainant alleges the Subject Judge was biased, conspired with the defendants, allowed the defendants to injure him and to avoid liability, “informed them ahead of time of what he was up to in violation of” certain constitutional amendments, “committed several violations of law,” intentionally acted with “blatant corruption,” lied by stating he was randomly assigned to the case, committed fraud by having himself assigned to the case, and violated Complainant’s due process rights on the basis of his race.

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 acted with an illicit or improper motive, was biased, was part of a conspiracy, discriminated against him, committed fraud, 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