

APR 25 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90041

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.

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statements is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record shows that Complainant filed a civil complaint against multiple defendants. After one defendant was dismissed, the remaining defendants filed a motion to dismiss or alternatively for summary judgment, and the Subject Judge granted the motion for summary judgment. After the judgment was entered, Complainant filed multiple motions seeking various types of relief, and

the Subject Judge enjoined Complainant from filing additional pleadings without following certain procedures.

Complaint

Complainant alleges the Subject Judge committed fraud upon the court, “failed to conform to the requirements of the federal constitution and laws of the United States,” “acted with reckless indifference and wanton disregard[] for the truth or falsity and the rights of [Complainant] and others,” acted without probable cause, “breached a written contractual stipulation,” and acted with “arbitrariness, capriciousness, malice, fraud, falsity, trickery, RICO, deceit, extortion, highway robbery, misrepresentation, racketeering, distortion, pattern or racketeering activities, racial discrimination, obstruction of justice, racial conspiracy and conspiracy.”

Supplement

Complainant’s supplemental statement is substantially similar to his Complaint and includes an attachment.

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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge