

APR 26 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90043

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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 a federal grand jury returned an indictment charging two defendants with multiple crimes, and later returned a superseding indictment adding a third defendant. The defendants filed motions to dismiss the indictment, and the Subject Judge issued orders denying certain motions to dismiss. The Subject Judge issued an order directing the government and a defendant to file alternative proposed jury instructions with certain underlying assumptions. The Subject Judge also issued orders

concerning what information would or would not be revealed in public filings. The case remains pending.

### **Complaint**

Complainant states that the “behavior, actions, and inactions of [the Subject Judge] are undermining any sense of respect for the rule of law and its fair and impartial administration,” and that the Subject Judge’s “performance . . . is a demonstration of either bias or incompetence, or both.” Complainant alleges the Subject Judge “fails to do her duty to make timely rulings,” “embraces bizarre and unprincipled legal theories and procedures, such as seeking to have distorted jury instructions prepared before commencement of trial and the rendering of preliminary rulings; and, exposing the names of informants and witnesses so as to create the potential for harm.” Complainant further alleges that the Subject Judge “mischaracterizes the application of statutes governing presidential papers and classified documents.” He states, “Her reckless and lawless conduct makes a mockery of the judicial system and gives legitimate rise to the notion that she is a ‘bought judge.’”

### **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, 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 was biased, was incompetent, accepted bribes, 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