

**MAY 14 2024**

**David J. Smith  
Clerk**

**CONFIDENTIAL**

**Before the Chief Judge of the  
Eleventh Judicial Circuit**

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Judicial Complaint Nos. 11-24-90044 and 11-24-90045

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**ORDER**

An individual has filed a Complaint against a United States district judge and a United States magistrate 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 Complainant and a codefendant with multiple crimes. Complainant initially pleaded guilty to one count, but then moved to withdraw the plea. The government later filed a motion for a competency hearing, which the Subject Magistrate Judge granted. After the hearing, the Subject Magistrate Judge issued an order finding Complainant was not mentally competent and committing him to the custody of the Attorney General to be

hospitalized for treatment. The Subject Magistrate Judge later extended Complainant's period of commitment.

The record also shows that Complainant filed a prisoner civil-rights complaint against the Subject Judges in which he alleged that they violated his constitutional and statutory rights, were biased against him, allowed prosecutorial misconduct, violated their oaths of office, and abused their authority in connection with his criminal case. A district judge who is not the Subject District Judge entered an order dismissing the case without prejudice on the basis of absolute judicial immunity.

### **Complaint**

Complainant indicates that his allegations of misconduct are based on the claims he raised in the above-described civil complaint he filed against the Subject Judges.

### **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 Judges' official actions, findings, rulings, and orders in the above-described criminal case, the allegations are directly related to the merits of the Subject Judges' 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 Judges were biased, violated their oaths of office, abused their authority, 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