

MAY 13 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-24-90046 and 11-24-90047

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**ORDER**

An individual has filed a Complaint against a United States magistrate judge and 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 a prisoner civil-rights complaint against multiple defendants. After various proceedings, the Subject Magistrate Judge ordered Complainant to file a second amended complaint. After the deadline to file passed, the Subject Magistrate Judge entered an order directing Complainant to show cause why the case should not be dismissed for failure to comply with a court order. Complainant then filed a motion stating he had provided the complaint to prison officials in a timely manner and requesting an order compelling the “conspirator(s)” to

submit the complaint. The Subject Magistrate Judge denied the motion to the extent it sought to compel action by a third party not named as a defendant.

The Subject Magistrate Judge later issued a report recommending that the case be dismissed for Complainant's failure to comply with the order directing him to file an amended complaint. Complainant filed a motion in which he sought to provide proof that he had timely provided the amended complaint to prison officials. The Subject District Judge then issued an order adopting the report and recommendation and dismissing the case. Complainant filed a motion for relief from judgment, which the Subject District Judge denied. He then filed a motion for reconsideration, which the Subject District Judge denied.

### **Complaint**

Complainant states he is "seeking to expose the conspiracy between the Federal judiciary and departments of Correction[s'] agents to deprive me of my constitutional rights." He states the court claimed it did not receive his amended complaint, and that a copy he gave to prison officials was only returned to him only after the court dismissed the case. He states that "overwhelming evidence" established that he provided the complaint to prison officials on a certain date, but the court "insists that they have never received it," which violated the Judicial-Conduct Rules. He also raises allegations against an individual who is not one of the Subject Judges, and he attached documents to his Complaint.

## 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 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 part of a conspiracy 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