

MAY 16 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90048

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 and a member of his family have been involved in multiple cases in the district court. In one case Complainant cites in his Complaint, he appealed a bankruptcy court's order issued in a case where he was the debtor. A district judge later reassigned certain related cases to the Subject Judge with his consent in the interest of judicial economy.

Afterward, the Subject Judge entered an order finding Complainant lacked standing to appeal, affirming the bankruptcy court's order, and directing Complainant to show cause as to why

he should not be sanctioned for filing a frivolous appeal. Complainant filed a notice of appeal, and the Subject Judge administratively closed the case in the light of the appeal. After the appeal was clerically dismissed, the appellee filed a motion for sanctions, and the Subject Judge directed Complainant to respond to the motion. Complainant did not file a response, and the Subject Judge entered an order monetarily sanctioning Complainant, designating him a vexatious litigant, and restricting his ability to file.

Complaint

Complainant states the Subject Judge has presided over several cases he and a member of his family have filed, “actively seeks” to have all their cases transferred to him, and rules against them “as a matter of course.” Complainant alleges the Subject Judge’s “actions and decisions throughout the various proceedings have exhibited a pattern of bias, unfair treatment, ignoring of applicable rules, and disregard for the rights of the parties,” and that the Subject Judge made decisions “without apparent legal or factual basis.”

Complainant alleges the Subject Judge “signals to” and “literally invites” opposing parties to move for sanctions against him. He states the Subject Judge determined he was a vexatious litigant without ever presiding over one of his cases, violated a local rule by reopening a case after it had been closed for the sole purpose of sanctioning him, and entered a monetary judgment against his family member and sanctioned her and her attorney in violation of an automatic bankruptcy stay. He contends that a lawsuit filed by

pro se parties against the Subject Judge in 2011 provides “some insight into his animosity towards self-represented parties.”

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 Complainant and his family member’s cases, 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, 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