

**CONFIDENTIAL**  
**BEFORE THE CHIEF JUDGE**  
**OF THE ELEVENTH JUDICIAL CIRCUIT**

**Judicial Complaint No. 11-21-90098**

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

OCT 28 2021

David J. Smith  
Clerk

**IN THE MATTER OF A COMPLAINT FILED BY \_\_\_\_\_**

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IN RE: The Complaint of \_\_\_\_\_ against United States Circuit Judge  
\_\_\_\_\_ of the United States Court of Appeals for the \_\_\_\_\_ Circuit,  
under the Judicial Conduct and Disability Act of 1980, Chapter 16 of Title 28  
U.S.C. §§ 351-364.

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**ORDER**

Judge \_\_\_\_\_ (“Complainant”) has filed this Complaint against United States Circuit Judge \_\_\_\_\_ (the “Subject Judge”), pursuant to Chapter 16 of Title 28 U.S.C. § 351(a) and the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (“JCDR”).

Background

The record shows that in September 2016 a federal grand jury issued an indictment charging Complainant with seven counts of distributing a controlled substance outside the usual course of professional practice and for other than legitimate medical purposes. In April 2018 Complainant filed a motion to suppress evidence that had been seized, and the district court later denied the motion. The case then proceeded to trial, and in June 2018 a jury found Complainant guilty as charged in the indictment. The district court later sentenced Complainant to a term of imprisonment, and Complainant appealed.

In October 2020 a panel of this Court that included the Subject Judge sitting by designation issued an opinion affirming Complainant’s convictions and sentences. The panel held, among other things, that the district court did not err in denying Complainant’s motion to suppress. Complainant filed a petition for rehearing en banc, which the panel denied in December 2020.

Complaint

In his Complaint of Judicial Misconduct or Disability, Complainant alleges the Subject Judge “subjectively ruled outside of Constitutional and well-established Constitutional and Common Law regarding the definition, meaning and intent” of the

Fourth Amendment and other constitutional amendments. He states his files and records were searched and seized without a warrant and without probable cause, and he asserts the Subject Judge “disregarded the issues” by stating the Fourth Amendment did not cover anything except persons. Complainant states, “This is another radical, egreg[i]ous and even atrocious act so committed by [the Subject Judge’s] radical ideal of constitutional restructuring.”

Next, Complainant alleges the Subject Judge violated a different individual’s constitutional rights in an unidentified case, had an improper *ex parte* communication with a witness in that case, and interfered with prison policy to keep an individual in prison. Complainant then asserts “it is soon to be made public” that the Subject Judge was “partially responsible” for two murders in the unidentified case.

### Discussion

Rule 4(b)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, “Allegations Related to the Merits of a Decision or Procedural Ruling,” 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” states in part:

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.

To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, findings, rulings, and orders in Complainant’s appeal, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Apart from the decisions or procedural rulings that Complainant challenges, he provides no credible facts or evidence in support of his claims that the Subject Judge acted with an illicit or improper motive, engaged in improper *ex parte* communications, was partially responsible for murders, or otherwise engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” JCDR 11(c)(1)(B), and the Complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists,” JCDR 11(c)(1)(D). For those reasons, pursuant to Chapter 16 of Title

28 U.S.C. § 352(b)(1)(A)(ii) and (iii), and Rule 11(c)(1)(B) and (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.

Chief Judge