

APR 1 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-22-90022

IN THE MATTER OF A COMPLAINT FILED BY:

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

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against  
United States District Judge \_\_\_\_\_ ( “the Subject Judge”), un-  
der the Act, 28 U.S.C. § 351(a), and the Rules for Judicial-Conduct  
and Judicial-Disability Proceedings of the Judicial Conference of  
the United States (“Judicial-Conduct Rules”).

## **Background**

The record shows that in February 2021 Complainant filed a lawsuit against multiple defendants and a motion for leave to proceed *in forma pauperis* (IFP). The Subject Judge denied the IFP motion, and Complainant filed an amended complaint. In May 2021 the Subject Judge issued an order dismissing the amended complaint with prejudice, finding the allegations broadly concerned a variety of unrelated claims and lacked an arguable basis in law or fact.

The record also shows that in February 2021 Complainant filed another lawsuit against multiple defendants, and the next month, he filed an amended complaint, a second amended complaint, and a motion for appointment of a process server. In April 2021 a magistrate judge issued an order and report denying the motion for appointment of a process server and recommending that the case be dismissed with prejudice because Complainant's allegations lacked an arguable basis in law or fact. Over Complainant's objections, the Subject Judge adopted the report and dismissed the second amended complaint with prejudice.

## **Complaint**

With respect to the first case described above, Complainant appears to take issue with the Subject Judge's finding that his claims were unrelated, and he states the Subject Judge "ruled incorrectly" because other courts had applied a certain statute of limitations to claims of intellectual property theft. He also asserts the Subject

Judge was “delusional.” With respect to the second case described above, Complainant generally takes issue with the finding that his case lacked an arguable basis in law or fact.

### **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.

To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, findings, rulings, and orders issued in the above-described cases, 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 was delusional or otherwise engaged in misconduct.

The allegations of this Complaint are “directly related to the merits of a decision or procedural ruling,” under Judicial-Conduct Rule 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,” under Judicial-Conduct Rule 11(c)(1)(D). For those reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge