

MAY 12 2022

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-22-90041 through 11-22-90044

IN THE MATTER OF A COMPLAINT FILED BY:

IN RE: The Complaint of _____ against United States District
Judges _____, _____, _____, and _____ 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.

ORDER

_____ (“Complainant”) has filed this Complaint against
United States District Judges _____, _____, _____, and
_____ (collectively, “the Subject Judges”), under 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 the Subject Judges have been involved in multiple lawsuits Complainant has filed stemming from claims that he was illegally banned from certain health care facilities. In August 2018 he filed a lawsuit alleging multiple defendants violated his civil rights by illegally banning him from the healthcare facilities, and he filed an amended complaint in January 2019. After various proceedings, in May 2019 a district judge who is not one of the Subject Judges dismissed the case “for a variety of reasons,” including that he raised identical claims in prior litigation and those claims were dismissed with prejudice.

In 2021 Complainant filed two motions to reopen the case, and Judge _____ was assigned to the case and denied the motions. In March 2022 Complainant filed another motion to reopen—his seventh in the case—alleging newly discovered evidence showed that two defendants conspired to illegally ban him from the healthcare facilities and that the Subject Judges and others had fraudulently concealed the evidence. Complainant also moved for Judge _____ recusal. Judge _____ entered an order denying the motion and directing the clerk not to accept any additional documents from Complainant in the case.

In March 2022 Complainant filed a complaint seeking damages under the Federal Tort Claims Act. He later filed a motion to

disqualify Judge _____ and a magistrate judge, alleging Judge _____ committed fraud by dismissing an earlier case he filed. Judge _____ denied the motion to disqualify.

Complaint

Complainant discusses some of the cases he previously filed and generally contends he was illegally banned from the healthcare facilities. He then alleges that Judge _____ denied the March 2022 motion to reopen in the first above-described case “to protect himself and the others listed as it pertains to their fraudulent cover up.” Complainant asserts that the Subject Judges

willfully treated this litigant in a[] demonstrably egregious and hostile manner by “Fraud upon the Court” in using the judge’s office to obtain special treatment for each other as Federal Judges and their friends in the United States Attorneys Office in denying me my right to due process to clear my good name.

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 Judge _____ order denying the March 2022 motion to reopen, the allegations are directly related to the merits of Judge _____ decision. Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judges committed fraud, covered up matters, treated him in a demonstrably egregious and hostile manner, used their office to obtain special treatment for others, 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