

**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

**11-22-90048**

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

SEP 15 2022

CIRCUIT EXECUTIVE

**IN RE: COMPLAINT OF JUDICIAL  
MISCONDUCT OR DISABILITY**

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ON PETITION FOR REVIEW

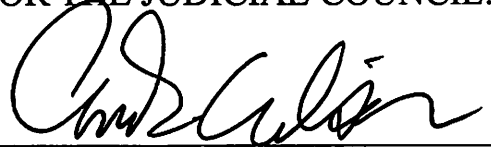
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Before: WILSON, JORDAN, and ROSENBAUM, Circuit Judges;  
COOGLER and WALKER, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on April 19, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on May 20, 2022, and the petition for review filed by petitioner on June 13, 2022. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

FOR THE JUDICIAL COUNCIL:



United States Circuit Judge

**FOR THE JUDICIAL COUNCIL  
OF THE ELEVENTH CIRCUIT**

**11-22-90049**

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CIRCUIT EXECUTIVE

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The Judicial Council Review Panel hereby **AFFIRMS** the disposition of this matter by Chief Judge Pryor. The petition for review is **DENIED**.

FOR THE JUDICIAL COUNCIL:

  
United States Circuit Judge

MAY 20 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-22-90048 and 11-22-90049

IN THE MATTER OF A COMPLAINT FILED BY:

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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.

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**ORDER**

\_\_\_\_\_ (“Complainant”) has filed this Complaint against  
United States District Judges \_\_\_\_\_ and \_\_\_\_\_ (collec-  
tively, “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”). Judge \_\_\_\_\_ became a federal district judge in \_\_\_\_\_.

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statement is permitted. *See* 11th Cir. JCDR 6.7.

## I. Background

The record shows that in May 2014 a grand jury issued a second superseding indictment charging Complainant, along with two codefendants, with one count of conspiracy to commit bank fraud, seven counts of bank fraud, one count of filing a false federal income tax return, one count of conspiracy to commit bankruptcy fraud, ten counts of bankruptcy fraud, ten counts of money laundering, one count of making false statements, one count of obstruction of justice, one count of making a false statement under oath in a bankruptcy proceeding, and one count of conspiracy to conceal a person from arrest. The indictment included a forfeiture provision.

The case proceeded to trial, and Judge \_\_\_\_\_ was then a prosecutor. Later in August 2014, at the conclusion of the trial, the jury found Complainant guilty as charged in the second superseding indictment. In December 2014 Judge \_\_\_\_\_ entered a Preliminary Order of Forfeiture finding the government was entitled to a personal money judgment of forfeiture against Complainant in an amount to be determined.

At a hearing in July 2015, Judge \_\_\_\_\_ determined the amount of restitution to be paid was over \$550,000 and ordered that the preliminary order of forfeiture be made final. A judgment was then entered sentencing Complainant to a total term of 327

months of imprisonment, imposing over \$550,000 in restitution, incorporating the December 2014 preliminary order of forfeiture as part of the sentence, and entering a criminal money judgment in an amount over \$550,000 against Complainant. Complainant appealed.

In January 2016 Complainant filed in the district court a motion seeking, among other things, to stay the forfeiture order pursuant to Fed. R. Crim. P. 32.2(d). Judge \_\_\_\_\_ entered an order that, in part, denied Complainant's motion to stay the order of forfeiture, finding none of the applicable factors weighed in favor of granting a stay. Complainant later filed a motion "to stay the criminal forfeiture action" against him, which Judge \_\_\_\_\_ denied in January 2017.

In June 2017 the law firm of \_\_\_\_\_ ("Claimant"), through its counsel \_\_\_\_\_, filed a Claim Opposing Forfeiture. In the filing, Claimant stated it had provided legal representation to Complainant in 2008 and that in March 2011 a judgment was entered in Claimant's favor for unpaid legal services; stated that a writ of *feri facias* had been recorded; requested that an order be entered releasing specific real property from the Preliminary Order of Forfeiture; and requested that Claimant be allowed to sell the property and to use the proceeds to satisfy the debt it was owed.

In January 2018 Claimant filed a request for oral argument on its Claim Opposing Forfeiture. In May 2018 Judge \_\_\_\_\_ entered an Order on Claimant's Claim Opposing Forfeiture, stating Claimant alleged it held a valid *feri facias* and stating that the real

property was no longer subject to the Preliminary Order of Forfeiture except to the extent any post-sale proceeds exceeded all valid liens. The order stated it was prepared and submitted by \_\_\_\_\_.

In September 2019 this Court issued an opinion affirming in part, reversing in part, and remanding for resentencing. This Court reversed Complainant's convictions for bankruptcy fraud, conspiracy to commit bankruptcy fraud, money laundering, and conspiracy to harbor a fugitive; concluded the government proved that the loss resulting from the bank fraud scheme was over \$100,000, but did not prove that it exceeded \$400,000; and affirmed in all other respects. Afterward, Complainant filed various motions in the district court, including a motion to dismiss the bank-fraud counts for lack of jurisdiction and, alternatively, to dismiss the indictment. In January 2020 Judge \_\_\_\_\_ issued an order that, among other things, denied the motion to dismiss on the ground that this Court did not reverse his convictions on the counts at issue. Complainant filed a notice of appeal. At the resentencing hearing in August 2021, Judge \_\_\_\_\_ sentenced Complainant to a total term of 216 months of imprisonment. Complainant appealed.

## **II. Complaint**

Complainant first alleges that Judge \_\_\_\_\_, who was then a prosecutor, charged him with "fake" charges. He asserts that he and his wife were blackmailed, and that his wife was extorted during a bond hearing, by Judge \_\_\_\_\_ friends, and he states the incidents involved Judge \_\_\_\_\_ friends offering to drop the

criminal charges against Complainant in exchange for certain property.

Complainant then alleges that Judge \_\_\_\_\_ committed a crime by using his office to obtain special treatment for his friends. He specifically alleges that Judge \_\_\_\_\_, with the “tacit understanding” of then-prosecutor \_\_\_\_\_, entered the May 2018 Order on Claimant’s Claim Opposing Forfeiture, which gave Complainant’s property to Judge \_\_\_\_\_ longtime friend, \_\_\_\_\_ of the firm \_\_\_\_\_. Complainant contends that Judge \_\_\_\_\_ did not have the authority to release the property under Fed. R. Crim. P. 32.2(d) because Complainant’s direct appeal remained pending. He also states Claimant failed to file a forfeiture claim objection within 30 days, as required by law. Complainant then states that the Subject Judges “collectively caused” the release of all but one of his real properties, worth over \$2 billion, while his direct appeal was pending, and he alleges property was also released to another of Judge \_\_\_\_\_ friends, \_\_\_\_\_.

Next, Complainant contends that the Subject Judges allowed \_\_\_\_\_ partner, \_\_\_\_\_, to ghostwrite a judicial order, which shows they have no respect for the law. Complainant asserts Judge \_\_\_\_\_ orchestrated improper *ex parte* communications “repeatedly, brazenly in [the] case for years.” He states that Judge \_\_\_\_\_ engaged in *ex parte* communications when he “rubber-stamped” the ghostwritten order prepared by \_\_\_\_\_ without giving Complainant any notice. Complainant states that in January 2021 Judge \_\_\_\_\_ had another *ex parte* communication with

Complainant's attorney, and that his attorney would "vouch" for "this unlawful act."

Complainant then alleges that Judge \_\_\_\_\_ intentionally violated judgments and orders issued by other judges. He appears to allege the Subject Judges engaged in fraud on the court and obstruction of justice because a state court found certain individuals owed Complainant money, and that Judge \_\_\_\_\_ lied to the court by alleging Complainant defrauded some of those individuals. Finally, Complainant states the Subject Judges' actions constituted conspiracy to commit obstruction of justice and caused him to be fearful for his life. He attached documents to his Complaint.

### **III. Supplement**

In his supplemental statement, Complainant raises various allegations pertaining to Judge \_\_\_\_\_, including that Judge \_\_\_\_\_ committed crimes, used his office to obtain special treatment for his friends, and participated in a RICO enterprise from 2006 to the present. Complainant states that pursuant to his "belief and information," Judge \_\_\_\_\_ RICO enterprise involved various individuals engaging in theft, misappropriation of trade secrets, accessing protected computers, obtaining Complainant's personal information without a warrant, intimidation, extortion, and blackmail. Complainant asserts that one of Judge \_\_\_\_\_ friends sexually assaulted Complainant's wife in the district court's building.

Next, Complainant alleges that Judge \_\_\_\_\_, through his friends, mailed contraband to him in prison "repeatedly and



regularly,” and he asserts Judge \_\_\_\_\_ caused him to be held in a “[M]uslim terrorist Unit” to silence him. Complainant asserts Judge \_\_\_\_\_ used his friends to act as victims in the criminal case, and that Judge \_\_\_\_\_ protected his friends. He alleges Judge \_\_\_\_\_ disobeyed a bankruptcy court’s order by pursuing bankruptcy fraud charges against him, and he contends a state court order establishes that Judge \_\_\_\_\_ harmed him. Finally, Complainant states Judge \_\_\_\_\_ is a racist, attacked Complainant’s sincerely held religious beliefs, destroyed religious organizations, and “looted, misappropriated, [and] stole” with the participation of “his RICO members.” He attached various documents to his supplement.

#### IV. Discussion

##### A. Judge \_\_\_\_\_

Complainant’s allegations pertaining to Judge \_\_\_\_\_ primarily concern his actions before he became a United States district judge, and those claims are not cognizable under the Judicial-Conduct Rules. *See* Judicial-Conduct Rule 1(b) (“A covered judge is defined under the Act and is limited to judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363.”); *see also* 28 U.S.C. § 351(d)(1) (defining “judge” as “a circuit judge, district judge, bankruptcy judge, or magistrate judge”).

Complainant's remaining claims against Judge \_\_\_\_\_ are based on allegations lacking sufficient evidence to raise an inference that Judge \_\_\_\_\_ was part of a continuing RICO enterprise, committed crimes, is racist, used his office to obtain special treatment for his friends, was part of a conspiracy, engaged in fraud on the court, obstructed justice, or otherwise engaged in misconduct.

**B. Judge \_\_\_\_\_**

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.

With respect to Complainant’s claim of ghostwriting, this Court has stated, “This circuit and other appellate courts have repeatedly condemned the ghostwriting of judicial orders by

litigants,” but that “[t]he fact that a judge allowed a litigant to draft the court’s orders without notice to the opposing party does not automatically invalidate these orders.” *In re Colony Square Co.*, 819 F.2d 272, 274, 276 (11th Cir. 1987). “Such orders will be vacated only if a party can demonstrate that the process by which the judge arrived at them was fundamentally unfair.” *Id.* at 276. “Whether the opposing party had ample opportunity to present its arguments, whether the ruling was correct as a matter of law, and the frequency of the use of orders prepared by a party are relevant factors to consider.” *In re Walker*, 532 F.3d 1304, 1311 (11th Cir. 2008) (quotations omitted).

To the extent Complainant’s allegations concern the substance of Judge \_\_\_\_\_ official actions, findings, rulings, and orders in Complainant’s case, the allegations are directly related to the merits of Judge \_\_\_\_\_ decisions or procedural rulings. Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that Judge \_\_\_\_\_ committed crimes, was part of a conspiracy, used his office to obtain special treatment for friends, engaged in misconduct by signing a forfeiture-related order that stated it was prepared by an attorney, engaged in improper *ex parte* communications, engaged in fraud on the court, obstructed justice, or otherwise engaged in misconduct.

## V. Conclusion

This Complaint “is directly related to the merits of a decision or procedural ruling” under Judicial-Conduct Rule 11(c)(1)(B); “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); and “is otherwise not appropriate for consideration under the Act” under Judicial-Conduct Rule 11(c)(1)(G). For those reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge