

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

MAY 05 2023

CIRCUIT EXECUTIVE

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

**11-22-90120**

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

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ON PETITION FOR REVIEW

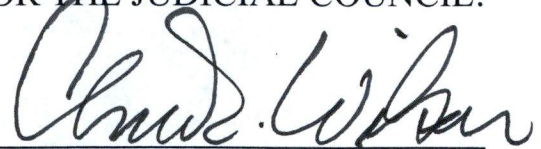
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Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges;  
COOGLER and WALKER, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered petitioner's complaint filed on August 25, 2022, the order of Chief United States Circuit Judge William H. Pryor Jr. filed on October 11, 2022, and the petition for review filed by petitioner on November 9, 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:



Andrew Wilson  
United States Circuit Judge

OCT 11 2022

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-22-90120

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**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 in May 2002 a federal grand jury issued an indictment charging a leader of a certain religious group with various crimes, and the case was reassigned to the Subject Judge two months later. The Subject Judge later granted a motion for change of venue the defendant had filed and ordered that the trial be held in a different district. Afterward, the grand jury issued a second superseding indictment charging the defendant on 13 counts. The case proceeded to trial where a jury convicted the

defendant on 11 of the 13 counts. In April 2004, the Subject Judge sentenced the defendant to a term of imprisonment, and this Court later affirmed the defendant's convictions and sentences.

### **Complaint**

Complainant alleges that the Subject Judge exhibited racism, judicial bias, and partiality, violated multiple canons of the *Code of Conduct for United States Judges*, and "hated" the members of a certain African American religious group. Complainant contends the Subject Judge "did not follow the rules on case assignment" because all cases involving members of the religious group were assigned to the Subject Judge, and he states that this issue was raised in four prior judicial complaints against the Subject Judge that were dismissed.

Complainant then alleges that, in the above-described criminal case, the Subject Judge illegally refused to recuse himself from the case and had a "personal vendetta" against the defendant because of actions involving the defendant's personal physician and that the Subject Judge's "racism and his hate for our Church and its members made him ignore the facts." Complainant states the Subject Judge ordered a change of venue in the case and, with his friend who was a Sheriff, "organized an armed military group surrounding" the courthouse, which "was done intentionally to create a negative mindset to the Jurors or those who did not know our Church."

Complainant states the Subject Judge admitted that he reviewed the religious group's website during trial, which caused him to be personally biased and partial, and that the Subject Judge lied by stating he reviewed the materials because his life had been threatened. Next, Complainant asserts the Subject Judge "consistently assisted the government" in prosecuting the defendant, encouraging a prosecutor to "bring out more talk about abuse." Complainant alleges the Subject Judge showed his "bias intent and racial injustice" for the religious group and "disregard[ed] the Law on federal legal holidays" by keeping court open on Martin Luther King Jr.'s birthday in 2004. He also contends that the Subject Judge "manipulated two motions by keeping one and removing the other" and "violated international law" by disregarding the defendant's status and immunity in another country.

Complainant then discusses multiple cases over which the Subject Judge presided involving other members of the religious group, and he alleges the Subject Judge should have recused himself from those cases. As to one case, Complainant states that the Subject Judge "in anger threatened to prosecute a pro se litigant for making honest mistakes." Complainant also raises allegations against individuals other than the Subject Judge, and he attached documents to his Complaint. One attachment includes a portion of a transcript in which "the court" states, "There's plenty of talk about abuse there. Are you going to bring that out?" and an individual responds, "Yes." Another individual then moved for the

judge's recusal for "assisting the government in its prosecution," and the judge denied the recusal motion.

### **Previous Judicial Complaints**

Complainant identifies four previous judicial complaints filed against the Subject Judge, all of which were dismissed. In the first, an individual alleged the Subject Judge had a conflict of interest in the trial described above, was biased against the defendant, and should have recused himself from the trial. In June 2004, the complaint was dismissed as merits related. In the second, an individual alleged the Subject Judge manipulated case assignments to receive all cases filed by the religious group, was biased against members of the group, held court on the legal holiday of Martin Luther King Jr.'s birthday, improperly reviewed a document on a certain website, and had a bias against African Americans. In January 2008, after conducting a limited inquiry, the then-Chief Circuit Judge dismissed the complaint. In the third, an individual alleged the Subject Judge should have recused himself from all cases involving the religious group, manipulated case assignments so he would receive all cases involving members of the religious group, exhibited bias against African American members of the group, and held trial on the Martin Luther King Jr. holiday. In May 2009, the complaint was dismissed on the grounds that the allegations lacked sufficient supporting evidence and that an earlier inquiry had established that the allegations lacked a factual foundation. In the fourth, an individual alleged matters that had been alleged in prior complaints and alleged that the Subject Judge referred a member of the

religious group for prosecution. In May 2009, the complaint was dismissed as lacking sufficient evidence or as merits related.

### 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.” Furthermore, when a complaint repeats allegations of a previously dismissed complaint, it is appropriate to dismiss those repeated allegations and address only allegations that have not previously been considered. *See* Judicial-Conduct Rule 11(c)(2).

The Complaint fails to present a basis for a finding of misconduct. Complainant’s claims that the Subject Judge manipulated case assignments, was biased against the religious group, exhibited racism, should have recused himself from cases involving the group, improperly reviewed a website during trial, and improperly held court on Martin Luther King Jr.’s birthday, have already been considered in connection with previous complaints filed against the Subject Judge. Judicial-Conduct Rule 11(c)(1)(B) and (c)(2). Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge organized a military group to surround the courthouse, assisted the government in prosecuting a defendant, violated international law, treated a *pro se* litigant in a demonstrably egregious and hostile manner, 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