

AUG 14 2023

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-23-90026

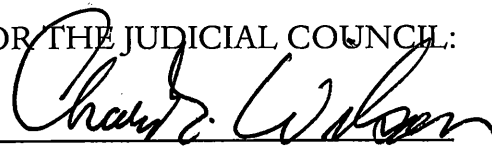
ORDER

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 the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. 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

MAR 16 2023

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-23-90026

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 March 2022 Complainant filed an employment-discrimination action against multiple defendants, and he filed an amended complaint a few months later. The defendants then filed a motion to dismiss the amended complaint. After a hearing on the motion, the Subject Judge issued an order dismissing the amended complaint without prejudice and stating that Complainant could file a second amended complaint if he had a good-faith basis to do so. Complainant then filed a Notice of

Voluntary Dismissal, and the Subject Judge dismissed the case without prejudice pursuant to the notice.

Complaint

Complainant alleges a clerk's office employee illegally provided information to the Subject Judge, which gave him "ammunition to 'bully'" Complainant and his attorney "into 'dismissal' by 'threatening' sanctions, dire financial consequences." He states that the Subject Judge was "corrupt[ed]" by the individual, "failed to fairly investigate" his claims or to request certain evidence, disregarded his oath, violated the Code of Conduct for United States Judges, abused his position, violated Complainant's rights "by prejudicing his own Court," implied that Complainant was "a 'habitual middle-eastern' claimant," "simply didn't believe the 'Arab' Plaintiff," ignored evidence "simply because [Complainant] was illegally arrested as 'a ranting Arab,'" and is "clearly a bigot." He also raises allegations against individuals other than the Subject Judge, and he attached documents to his Complaint.

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.

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainant’s allegations concern the substance of the Subject Judge’s official actions, rulings, findings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judge’s decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Complainant’s remaining claims are based on allegations lacking sufficient evidence to raise an inference that the Subject Judge treated Complainant or his attorney in a demonstrably egregious and hostile manner, threatened Complainant or his attorney, was not impartial, violated his oath of office or the Code of Conduct for United States Judges, abused his position, discriminated against Complainant, 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