

MAY 25 2023

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-23-90059 through 11-23-90062

ORDER

An individual has filed a Complaint against one United States magistrate judge and three United States district judges 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 2018 a federal grand jury returned an indictment charging Complainant with multiple counts of wire fraud and one count of identity theft. He later filed a counseled motion to suppress information and materials seized in connection with certain search warrants. After a hearing, the Second Subject District Judge entered an order denying the motion, finding Complainant failed to show the supporting applications contained material deliberate falsehoods or reckless statements, the applications

provided a sufficient basis for their respective orders or warrants, and the search warrants were sufficiently particular. The case was then reassigned to the Third Subject District Judge.

Afterward, a second superseding indictment was issued charging Complainant with multiple counts of wire fraud, and the indictment contained a forfeiture provision. Complainant's attorney filed a motion to determine whether Complainant was competent to stand trial, and a magistrate judge who is not the Subject Magistrate Judge granted the motion. After a competency hearing, the magistrate judge entered an order finding Complainant was incompetent to proceed and committing him for evaluation and treatment. In 2021, the magistrate judge entered an order determining that Complainant had been restored to mental competence to stand trial.

The case later proceeded to trial, and the jury found Complainant guilty as charged in the second superseding indictment. The government filed a motion for forfeiture and preliminary order of forfeiture, which the Third Subject District Judge granted. The Third Subject District Judge also entered an order noting that Complainant had waived his right to counsel and was representing himself. Complainant then filed multiple motions seeking various types of relief, including a motion to dismiss the case as a violation of the Double-jeopardy Clause, and the Third Subject District Judge denied the motion to dismiss. After additional proceedings, the Third Subject District Judge appointed counsel to represent Complainant. The case proceeded to sentencing where the Third

Subject District Judge sentenced Complainant to a term of imprisonment. Afterward, the government filed a motion for final order of forfeiture and a forfeiture money judgment, and the Third Subject District Judge issued a final order of forfeiture.

The record also shows that in 2019 a federal grand jury in another district returned an indictment charging Complainant with one count of possession of child pornography. He later filed a counseled motion to suppress. After a hearing, the Subject Magistrate Judge issued a report recommending that the motion to suppress be denied, and over Complainant's objections, the First Subject District Judge adopted the report and denied the motion to suppress. The government later filed moved to revoke Complainant's pretrial release, and the Subject Magistrate Judge granted the motion. Complainant's attorney then filed a motion to determine Complainant's mental competency, and the Subject Magistrate Judge granted the motion, found Complainant was mentally incompetent to stand trial, and committed him to custody for treatment. The parties later filed a stipulation that Complainant was competent to stand trial, and the Subject Magistrate Judge entered an order finding he was competent.

After additional proceedings, Complainant requested to proceed without counsel, and after a hearing, the Subject Magistrate Judge entered an order allowing Complainant to represent himself, but appointed an attorney as standby counsel. Complainant then filed multiple motions seeking various types of relief, many of which the Subject Magistrate Judge denied. He also filed notices of

appeal and motions to proceed *in forma pauperis* on appeal, the Subject Magistrate Judge issued reports recommending that his *in forma pauperis* motions be denied, and the First Subject District Judge adopted the reports and denied the *in forma pauperis* motions. Complainant also filed, among other things, a motion to dismiss, a motion for acquittal, and another motion to suppress. The Subject Magistrate Judge issued a report recommending that the motions be denied, and the First Subject District Judge adopted the report and denied the motions. There continues to be activity in the case.

Complaint

Complainant first states the Subject Judges' conduct falls outside the performance of their official duties and is likely to have a substantial and widespread lowering of public confidence in the courts among reasonable people. He states the question presented in his Complaint is whether a judge is immune from criminal prosecution when the judge voluntarily joins a conspiracy with the government through bribes or other illicit means to further the government's illegitimate motive. Complainant takes issue with various aspects of his criminal prosecutions, alleges the government committed misconduct, including by forging judges' signatures, and alleges the Subject Judges conspired and colluded with the government, were controlled by the government, and issued orders and rulings to cover up and to further the government's illegal activity. He then states he intends to prosecute the Subject Judges and other individuals for various "treasonous acts," including conspiracy, fraud, bribery, theft, kidnapping, "and every other crime possibly imagined." He alleges the Subject Judges ignored or

otherwise failed to address his motions, arguments, and objections, and that they failed to follow the law and the Federal Rules of Criminal Procedure.

Complainant asserts the government “is in the pockets and control of” the Second Subject District Judge, and he complains the Second Subject District Judge granted a motion for a protective order the government filed the same day it was filed, sustained the government’s objection to the presentation of certain evidence at a hearing, acted to protect the government by threatening Complainant’s attorney with contempt when it was clear a government agent was “getting caught up in a lie,” committed misconduct by denying a motion to file an amended exhibit, abused his power by failing to find a certain document was illegal, and purposely directed a hearing away from the properly assigned magistrate judge as a part of a “deceptive scheme” with the government.

Next, Complainant contends the Third Subject District Judge initially granted a motion that “acquitted him of all charges” but then denied the motion, “strategically” denied motions he filed concerning property taxes in two civil cases, engaged in “intentional dumping” by issuing multiple rulings against him at once, and lied and participated in a criminal conspiracy by stating that a magistrate judge admitting signing certain documents. Complainant states that at a hearing, the Third Subject District Judge’s body language and facial expressions suggested he was aware a search was illegal but could do nothing about it, and Complainant asserts the transcript omits “many other highly relevant and damaging

statements” the judge made. Complainant contends that, at trial, the Third Subject District Judge coerced him into accepting appointed counsel because he did not want to keep the jury waiting. He states that his trial was an “unconstitutional circus,” he was wrongly convicted in violation of the Double-Jeopardy Clause, and he was “vindictively found guilty for a crime he didn’t commit.” Complainant contends that because the Third Subject District Judge was controlled by the government, the judge essentially ignored Complainant’s motion for acquittal and provided “overly generalized” reasoning. He also states that after he filed a motion to dismiss, “the whole demeanor of the Court and government changes.”

Complainant contends the Third Subject District Judge required him to be sentenced despite that he did not have adequate time to review the Presentence Investigation Report, unfairly required him to accept appointed counsel, made comments at sentencing that were “grossly exaggerated,” and purposely put misinformation in the record, which constituted libel and slander. Complainant takes issue with various orders concerning forfeiture, contending the Third Subject District Judge granted the government’s motion for a final judgment of forfeiture without giving him an opportunity to object, acted to deceive Complainant and the public into believing the government’s “illicit forfeiture” was granted when it was not, and granted forfeiture under the “wrong statute.”

Complainant then states the Subject Magistrate Judge and the First Subject District Judge were “imposter judges” controlled

by the government. He contends the Subject Magistrate Judge exhibited bias and prejudice against him, illicitly revoked his pretrial release, and allowed him to be illegally detained. He states the First Subject District Judge incorrectly stated a search warrant did not need to be docketed because it was not a judge's order. He alleges the Subject Magistrate Judge and the First Subject District Judge strategically prevented him from appealing decisions by denying his *in forma pauperis* motions. He also takes issue with the actions of individuals other than the Subject Judges, he complains about the way certain filings were docketed, 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 Judges' official actions, rulings, findings, reports, and orders in the above-referenced cases, the allegations are directly related to the merits of the Subject Judges' 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 Judges acted with an illicit or improper motive, were not impartial, conspired or colluded with the government, accepted bribes, committed crimes, 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