

JUN 14 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-23-90070 through 11-23-90072

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**ORDER**

An individual has filed a Complaint against three United States circuit 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 2021 Complainant filed a civil-rights action against a city and two police officers, and the defendants moved to dismiss it. A district judge later dismissed the case with prejudice on the ground that Complainant failed to state a claim on which relief could be granted. A panel of this Court composed of the Subject Judges issued an opinion affirmed the dismissal of the case, concluding the district court properly considered body-camera footage when ruling on the defendants' motions to

dismiss and correctly determined that Complainant's claims against the defendants failed.

### **Complaint**

Complainant states he is filing the Complaint because his "case was lost unfairly with false statements" that he was under the influence when he instead had suffered from seizures, and he states the Subject Judges "shouldn't have let it happen that way." He also takes issue with the actions of individuals other than the Subject Judges, and he attached documents to his Complaint and submitted a USB drive.

### **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' opinion, 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 made false statements 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