

AUG. 28 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-23-90098 and 11-23-90099

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**ORDER**

An individual has filed a Complaint against two 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 2023 Complainant filed a civil complaint against one defendant. A few months later, the First Subject Judge entered an order dismissing the complaint on the ground that it was a “quintessential shotgun pleading.” The case is closed.

The record also shows that in 2023, Complainant filed a “Notice of Removal” seeking certain relief, and the document included a “Motion to add parties” listing various individuals and entities, including the First Subject Judge. The Second Subject Judge

entered an order dismissing the case without prejudice because it was duplicative of Complainant's other case, which was then pending, and stating that all future matters relating to the case should be filed in the other case before the First Subject Judge. The case is closed.

### **Complaint**

Complainant asserts the Second Subject Judge committed fraud on the court by "transferr[ing]" the second above-described case, which listed the First Subject Judge as a defendant, to the First Subject Judge. He also asserts that the Second Subject Judge engaged in misconduct by failing to disclose misconduct to the First Subject Judge.

Complainant alleges the First Subject Judge committed misconduct by presiding over a case in which he was named as a defendant, violated a statute on recusal, had a conflict of interest, lied by stating Complainant accused a certain defendant of committing a fraud on the court, treated individuals in a demonstrably egregious and hostile manner, created a hostile work environment for judicial employees, inappropriately referred to Complainant's complaint as a "shotgun" pleading, and retaliated against Complainant for suing him. 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, and orders in the above-described 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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge