

DEC 06 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-23-90139

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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 Complainant filed a civil complaint against two companies and a motion for leave to proceed *in forma pauperis*. A magistrate judge granted the *in forma pauperis* motion and directed the clerk to submit the case to a district judge for a frivolity determination, 28 U.S.C. § 1915(e). Complainant filed a motion to amend his complaint.

The Subject Judge then issued an order stating the court would issue an order assessing the complaint under section 1915(e) “at the earliest practicable date,” directing the clerk to

administratively close the case in the interim, and stating that no action was required of any party until further order of the court. Afterward, Complainant filed multiple motions seeking various types of relief, and those motions remain pending.

### **Complaint**

Complainant alleges the Subject Judge deliberately violated his constitutional rights by closing the case and by “ignoring a blind mental health minority’s attempt to protect his family from corrupt organizations . . . due to the Judge’s and Defendant’s shared interest in the legal profession and both holding significant roles within the court.” He states the Subject Judge did not provide reasons for closing the case and failed to provide notice of her order. He contends the Subject Judge’s statement that no action needed to be taken was an “act of deception,” and that the Subject Judge violated a criminal statute by failing to rule on his motions.

Complainant alleges the Subject Judge violated multiple canons of the Code of Conduct for United States Judges, failed to uphold the integrity and independence of the Judiciary, failed to avoid impropriety and the appearance of impropriety, failed to perform the duties of her office fairly, impartially, and diligently, lent the prestige of the judicial office to advance her private interests and the defendants’ interests, engaged in “harassing, abusive, and prejudiced” behavior, failed to maintain professional competence in the law, was “swayed by partisan interests and fear of criticism,” refused to hear and decide matters assigned to her, failed to maintain order and decorum in all judicial proceedings, failed to be

patient, dignified, and respectful to Complainant, failed to disqualify herself when her impartiality was reasonably questioned, and discriminated against him “based on disability, financial status, and the shared interest of the Judge and the Defendant.” He states the Subject Judge’s actions “destroyed my confidence and trust in the judiciary,” 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 order 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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge