

DEC 14 2023

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-23-90142 and 11-23-90143

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**ORDER**

An individual has filed a Complaint against a United States magistrate judge and 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 four civil complaints alleging that defendants violated the Fair Debt Collections Practices Act. He also filed in each case a motion to recuse the Subject Magistrate Judge. In each case, the Subject Magistrate Judge issued a report recommending that the case be dismissed on the ground that Complainant failed to comply with a court order or that his amended complaint was a shotgun pleading that failed to provide sufficient factual support for any claim. Over Complainant's objections, the Subject District Judge entered an order in each

case adopting the report and recommendation, dismissing the case, and denying the motion for recusal.

### **Complaint**

Complainant states that the Subject Magistrate Judge falsely stated in the above-described cases that the defendants were not debt collectors or that Complainant provided insufficient evidence to support his claims. He states that the Subject Magistrate Judge's findings in the cases "support probable cause and strong circumstantial evidence that [the Subject Magistrate Judge] received bribes, gifts, or other personal favors related to his judicial office, engag[ed] in improper ex parte communications with parties for one side in all of the aforementioned cases via the emails listed and intentional discrimination on the basis of wealth/status." Complainant states the Subject District Judge disregarded Complainant's concerns about the Subject Magistrate Judge and instead supported the judge's findings.

### **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-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). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge