

JAN 29 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90008

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, a jail detainee, filed a civil-rights action against multiple defendants about an allegedly illegal traffic stop. The Subject Judge later dismissed the claims against certain defendants. Later, the Subject Judge granted the remaining defendants' motion for summary judgment and ruled that the undisputed facts established that the traffic stop was legal.

The record also shows that Complainant filed another civil-rights action against multiple defendants. The Subject Judge

entered an order dismissing the case without prejudice under the “three strikes” provision of the Prisoner Litigation Reform Act.

Complaint

Complainant alleges the Subject Judge committed fraud upon the court in the first above-described case by allowing defendants to change their “probable cause statement[s],” conspired with a defendant in granting a motion for summary judgment, “supported” a “false affidavit,” failed to consider certain “dashcam footage,” exhibited a “pattern of misconduct,” and was not impartial due to her relationship with a defendant “on a professional level,” which was “evident in the rulings handed down” in the defendant’s favor in multiple cases. He attached a document 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 orders in the above-described cases, 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 committed fraud upon the court, was part of a conspiracy, was not impartial, 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