

FILED  
ELEVENTH CIRCUIT  
JUDICIAL COUNCIL

AUG 12 2024

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90037

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**ORDER**


Before: WILSON, ROSENBAUM, and BRANCH, Circuit Judges; WALKER and BEAVERSTOCK, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

Done this 12<sup>th</sup> day of August, 2024.

FOR THE JUDICIAL COUNCIL: ~



United States Circuit Judge

APR 16 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90037

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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.

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statements is permitted. *See* 11th Cir. JCDR 6.7.

**Background**

The record shows that Complainant filed a civil-rights complaint against multiple defendants, and he later filed an amended complaint. Two defendants filed motions to dismiss the amended complaint. The Subject Judge issued an order granting the defendants' motions to dismiss on the ground that the amended complaint failed to state a claim. Complainant filed a motion for

reconsideration, which the Subject Judge denied. This Court dismissed Complainant's appeal for lack of jurisdiction.

Afterward, Complainant filed in the district court, among other things, a motion to vacate the Subject Judge's order granting the defendants' motions to dismiss and a motion to recuse the Subject Judge. Three months later, the Subject Judge issued an order denying those motions. The case remains pending.

### **Complaint**

Complainant alleges that the Subject Judge failed to discipline the defendants' attorneys despite their bad faith and unprofessionalism, showed bias in favor of the defendants and their attorneys, was "quick to answer" the defendants' filings but failed to rule on certain motions he filed, engaged in retaliation, and "has no regard for the supreme law of this land." Complainant also takes issue with the processing of his mail, stating he believes the district court clerk or the defendants are "somehow tampering" with mail he sent to the court in an effort to influence the outcome of the case. He attached documents to his Complaint.

### **Supplement**

In his supplemental statement, Complainant reiterates his allegations.

### **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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as merits-related. Such an allegation may be said to challenge the correctness of an official action of the judge, *i.e.*, assigning a low priority to deciding the particular case.”

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 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 was biased, retaliated against Complainant, 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