

JUN 21 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90059

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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 prisoner civil rights complaint against multiple defendants. A magistrate judge issued a report recommending that the complaint be dismissed as malicious due to Complainant's failure to disclose his litigation history completely and honestly. Complainant then filed a motion for leave to amend his complaint and a proposed amended complaint. The magistrate judge issued a supplemental report concluding the amended complaint did not alter the initial report and recommendation in any way. The Subject Judge entered an order adopting

the magistrate judge's report and supplemental report and dismissing the case without prejudice. Complainant filed a motion for relief from judgment, which the Subject Judge denied.

### **Complaint**

Complainant asserts the Subject Judge "corruptly did not send" him a copy of the dismissal order "to sabotage appellate review" and that there is "[n]o doubt" that she instructed the clerk not to send him a copy of the order. Complainant also alleges the Subject Judge was part of a corrupt conspiracy to deny prisoners equal protection and access to the courts by including a question about prisoners' litigation history on a certain "standardized judge-made" form.

### **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 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 acted with an illicit or improper motive, instructed the clerk not to send Complainant an order, was part of a conspiracy, 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