

JUN 28 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90069

ORDER

An individual has filed a Complaint against a United States bankruptcy 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 a corporation filed a voluntary petition for Chapter 11 bankruptcy, and a document showed that Complainant was the director of the corporation. The Subject Judge entered an order granting multiple affiliated debtors' motion for joint administration and consolidating several cases for procedural purposes.

The debtors filed an adversary proceeding against Complainant and his wife on the ground that the debtors' boards of directors and managers had terminated the defendants' employment, the defendants had failed to turn over access to certain social media accounts, and the accounts were property of the bankruptcy estates. The parties stipulated that if the debtors wished to post on the social media accounts concerning their products, the defendants would make the posts, and that the defendants would otherwise refrain from making any posts on the accounts. The Subject Judge approved the stipulation. The Subject Judge later granted a motion to hold Complainant in contempt for posting in violation of the stipulation. The Subject Judge later ruled that the debtors owned the rights to the social media accounts.

In the main bankruptcy case, the debtors, jointly with the committee of unsecured creditors, filed an emergency motion for an order holding Complainant and his wife in contempt for failing to return computers and other property belonging to the debtors after their employment was terminated. The Subject Judge entered an order granting the motion in part and requiring Complainant and his wife to provide to a neutral third party all electronic devices that were used in connection with their work for the debtors so the devices could be imaged. The Subject Judge later entered an order approving the sale of substantially all of the debtors' assets free and clear of all liens, claims, and encumbrances and an order confirming the debtors' second amended joint plan of liquidation. There continues to be activity in the case.

Complaint

Complainant alleges that the Subject Judge colluded with others to have Complainant's business undervalued and sold to a competitor for a fraction of its true value to benefit the Subject Judge's friends and colleagues. Complainant alleges the Subject Judge was biased and partial in the case, showed favoritism to certain attorneys, was hostile to Complainant's attorneys, exhibited a "pattern of bias and vindictiveness," had a conflict of interest, abused his power, obstructed justice, violated a statute on recusal, tortiously interfered with contractual relations, "allowed, and at times participated in, character assassinations against" Complainant and his wife, permitted derogatory remarks and unfounded accusations, violated his right to privacy, damaged his reputation, failed to properly manage the case, exhibited a "disregard for the principles of justice and equity," violated multiple canons of the Code of Conduct for United States Judges, and engaged in conduct that undermined public confidence in the integrity and impartiality of the judiciary.

Complainant alleges the Subject Judge failed to act when the trustee failed to turn over certain documents and "overstep[ed] judicial boundaries by interfering" with Complainant's ability to file corporate taxes. He contends that the Subject Judge's refusal to postpone a hearing after his counsel withdrew from the case showed the Subject Judge's extreme bias and prejudice and put him at a significant disadvantage in defending his interests.

Complainant alleges the Subject Judge limited creditors' access to the court "under the pretext" of a non-disclosure agreement to prevent them from "hearing about potential offers that could affect their financial recovery." He states the Subject Judge allowed "overt celebration by attorneys in the courtroom post-ruling, which is perceived as lacking dignity and decorum expected in judicial proceedings." He also states that the Subject Judge's decisions in the case "allowed for potential violations" of the "one satisfaction rule."

Complainant alleges the Subject Judge "orchestrated the confiscation" of his home computer and ordered the seizure of his computer "under dubious legal pretenses" as part of a "broader, vindictive strategy to undermine and destroy [Complainant] systematically," as well as to harass and intimidate him. Complainant alleges the Subject Judge colluded "with various legal and financial entities" to compel him "to make fraudulent posts on his personal social media accounts" that misled over 2 million of his followers. He contends the "forced" statements were "part of a pattern of similar coercive actions that aimed to manipulate public perception and legal outcomes to the detriment of [Complainant] and the benefit of other vested interests." Complainant alleges the Subject Judge actions violated his free-speech rights, may have constituted fraud, "suggest violations of the Racketeer Influenced and Corrupt Organizations Act," and constituted an abuse of judicial power.

Complainant further alleges that the Subject Judge violated his First Amendment rights and abused judicial power by

prohibiting him from posting on his social media accounts and ordering the shutdown of those accounts. Complainant contends that the Subject Judge created “his own law to falsely prove” that Complainant did not own his personal social media accounts, and that the “ownership test” the Subject Judge created was “inherently defective” because it failed to prioritize ownership, possession, and control.

Complainant alleges that the Subject Judge and an attorney engaged in an illegal scheme to cause multiple attorneys to resign from representing Complainant and his wife, and he alleges two attorneys resigned due to the Subject Judge’s “overtly hostile and demeaning behavior in court.” Complainant contends that the Subject Judge “allowed the unprecedented and unchecked use of emergency motions, straying significantly from established judicial norms,” which severely prejudiced Complainant and his wife. He also raises allegations against entities and individuals other than the Subject Judge.

Complainant requests that his complaint transferred to the judicial council of another circuit. Complainant’s request to transfer is **DENIED**.

Supplement

In his supplemental statement, Complainant reiterates his allegations, contends the Subject Judge’s orders should be vacated, and “formally requests the immediate disqualification” of the Subject Judge “due to action that severely compromise his impartiality and adherence to judicial ethics.” Complainant also alleges the

Subject Judge “aided and abetted” an attorney in committing bankruptcy fraud by granting the attorney’s “fraudulent emergency motion to withdraw,” and he states he believes the attorney was pressured by the Subject Judge, who was the attorney’s “former boss.”

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 acted with an illicit or improper motive, was biased or otherwise not impartial, colluded or conspired with others, used his office to obtain special treatment for friends or colleagues, had a conflict of interest, obstructed justice, treated individuals in a demonstrably egregious and hostile manner, abused his power, aided and abetted bankruptcy fraud, violated the Code of Conduct for United States Judges, 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