

JUL 03 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90108

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**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.

**Background**

The record shows that Complainant filed a voluntary petition for Chapter 13 bankruptcy. An attorney entered a notice of appearance on behalf of a creditor and filed a motion for prospective relief from stay, alleging Complainant had filed the case and two previous bankruptcy cases in an effort to stop a foreclosure sale on certain property. The Subject Judge then entered an order dismissing the case due to deficiencies in Complainant's filings. Complainant filed a motion to vacate the dismissal order, and the Subject Judge conditionally denied the motion because deficiencies

remained uncured. After additional proceedings, the Subject Judge entered an order denying the motion to vacate the dismissal order and an order granting in part the creditor's motion for relief from stay. The case was later closed.

### **Complaint**

Complainant alleges the Subject Judge allowed the creditor's attorney "to bring perjury to the Court" by stating that Complainant's previous bankruptcy cases were concluded "for failure to submit the required certification" and dismissed "for failure to file information." Complainant further alleges the Subject Judge allowed the attorney to commit fraud "by misrepresenting himself as working for a lender when he is illegally collecting as a 3rd party debt collector" and "by acting as a 3rd party Creditor and forcing a foreclosure sale with perjured misinformation that resulted in the dismissal of the case."

Complainant also alleges the Subject Judge allowed his former attorney to interfere with a hearing "with persistent goading by encouraging the Court's action and whispering in [the creditor's attorney's] ear," which impacted the outcome of the case. Finally, Complainant states that the Subject Judge "act[ed] in disregard of proof and the Fraud involved," "acted with 'deliberate indifference' to the Constitution and or federal laws," did not give him "the opportunity to form a five (5) plan," and accused him of engaging in a scheme to "delay the rights" of a secured creditor. He attached documents 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 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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge