

JUL 12 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-24-90131 through 11-24-90133

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**ORDER**

An individual has filed a Complaint against one United States district judge and two United States magistrate judges 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 counseled civil-rights complaint against a company alleging race discrimination. After the defendant filed an answer, Complainant's attorney filed a motion to withdraw as counsel, which the First Subject Magistrate Judge granted. The defendant then filed motions to compel the production of documents and inspection of a certain vehicle, and the First Subject Magistrate Judge granted the motions in part but denied them to the extent they sought sanctions. The defendant

also filed a motion for sanctions, arguing Complainant failed to comply with court's order compelling him to produce documents.

Complainant filed a motion for leave to amend his complaint, and the First Subject Magistrate Judge denied the motion because amendment would be futile. The First Subject Magistrate Judge entered an order directing Complainant to respond to outstanding discovery requests by a certain deadline. The defendant filed a motion for summary judgment and a notice stating that Complainant failed to comply with the court's order by providing deficient discovery responses. The case was then reassigned to the Second Subject Magistrate Judge who issued orders denying the motion for sanctions without prejudice and denying the motion for summary judgment.

The case proceeded to trial, but Complainant arrived late, after the court had excused the potential jurors. The Subject District Judge issued an order directing Complainant to show cause why the case should not be dismissed for failure to prosecute. Complainant filed a response apologizing to the court and stating he had misread the court's order concerning the trial. The defendant then filed another motion for sanctions. The Subject District Judge entered an order finding "a clear record of delay and willful contempt" on Complainant's part, granting the defendant's motion for sanctions, and dismissing the case with prejudice.

### **Complaint**

Complainant states that the Subject Judges "are one and same as the Counsels of Defendants within holding aff[i]liations of

the same Inn of Courts, Judging Members of the Court, Members holding position of leadership and mutual interests as partisanship's is shared and communications outside of the Court is more than less probable." He contends that there was a "lack of Fairness offered to the Pro Se Litigant and the choice to be Impartial to All," and that the case was dismissed due to evidence being disregarded and suppressed. He further alleges that the Subject Judges improperly held him to a higher standard, wrongfully imposed sanctions on him, allowed the defendants to "attack" and harass him, relied on false statements, and violated his constitutional rights. He also takes issue with the actions of individuals other than the Subject Judges.

### **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 Judges' official actions, rulings, findings, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judges' 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 Judges had a conflict of interest, engaged in improper *ex parte* communications, were 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