

AUG. 15 2024

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-24-90179 and 11-24-90180

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**ORDER**

Two individuals have filed a Complaint against a United States district judge and a United States magistrate 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 Complainants filed their Complaint, they filed a supplemental statement. The filing of the supplemental statements is permitted. *See* 11th Cir. JCDR 6.7.

**Background**

The record establishes that Complainants filed a civil action against multiple defendants, a notice of removal, an emergency motion to stay a foreclosure sale, and an amended complaint. Complainants later filed multiple emergency motions to void a foreclosure sale, and the Subject Magistrate Judge issued a report

recommending that the motions be denied. Complainants then filed, among other things, a motion to recuse the Subject Magistrate Judge on the ground that he had a conflict of interest because he was doing business with one of the defendants. The Subject District Judge entered an order adopting the report and recommendation and denying the motions to void the foreclosure sale. The case remains pending.

The record also establishes that Complainants removed a certain state-court case to federal court, and the Subject District Judge entered an order remanding the case back to state court.

The record further establishes that the Subject District Judge was assigned to a criminal case involving an individual who is not one of the Complainants. In that case, a jury found the defendant guilty on one count of using a counterfeit access device, and the Subject District Judge sentenced him to a term of imprisonment.

### **Complaint**

Complainants state that the Subject District Judge “is the same Judge” who presided over the above-described criminal case involving a member of a certain corporation that owns “the Foreclosure property in question.” Complainants assert the Subject Judges “both also have money Conflict of Interest with” a certain bank, which “is illegally foreclosing on and is owned by” the corporation. They state the criminal defendant is an officer of the corporation and that the relationships create an incentive for the Subject Judges to allow the bank to illegally foreclose on Complainants. They also appear to contend that the Subject District Judge

stated that the government failed to prove its case in the criminal matter, and they assert the statement was removed from the transcript.

Complainants next take issue with the Subject District Judge's failure to void a foreclosure sale, they assert the Subject District Judge's signature was forged on a remand order, and they allege the Subject Judges engaged in criminal activity. They also take issue with the actions of individuals other than the Subject Judges, and they attached documents to their Complaint.

### **Supplement**

In their supplemental statement, Complainants reiterate their allegations and further allege that the Subject Judges were part of a conspiracy to commit fraud. They attached documents to their supplement.

### **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, findings, rulings, reports, recommendations, and orders in the above-described cases, 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, committed crimes, were 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