

OCT 15 2024

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90234 and 11-24-90235

ORDER

An individual has 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.

Background

The record establishes that a lawsuit was filed against Complainant in state court, and Complainant filed a notice of removal in federal court. The Subject District Judge then entered an order finding Complainant's notice was inadequate and directing him to file the state court records and a notice clarifying the court's jurisdiction and the basis for removal. Complainant filed emergency motions for an extension of time and to allow him to file electronically, and the Subject District Judge entered an order denying the motion for extension and granting the motion to file electronically.

The Subject District Judge then issued an amended order denying the motion for extension and granting in part the motion to file electronically. The order explained that Complainant was not permitted to file electronically as a *pro se* litigant but could register to receive notices electronically. Complainant filed motions to stay the case and to disqualify the Subject Judges. The Subject District Judge issued an order finding that Complainant failed to comply with the previous order, dismissing the case without prejudice, and denying the pending motions as moot.

Complaint

Complainant seeks the disqualification of the Subject Judges from his case and other relief based on their alleged “conspiratorial efforts to weaponize and perpetrate a Lawfare Attack” against him and for violating his constitutional rights. He alleges the Subject Judges exhibited “a clear and ongoing display of bias, conflicts of interest, and a pattern of judicial behavior that” calls their impartiality into question. Complainant alleges that “both [the Subject District Judge] and her husband ... are partners at” a “hard left” law firm and have a “financial vested interest” in a political campaign and a certain stock portfolio. He states that the law firm “represents, receives tens of millions in legal and success fees, representing many adversaries of” Complainant and his companies and acted with “ulterior objectives to prevent” him from developing certain data centers in an effort to financially benefit the Subject District Judge and her husband. He states he believes the Subject Judges may have received “financial rewards and financial ‘kick backs.’”

Complainant alleges the Subject Judges “demonstrated a clear and overwhelming bias against” him in the case and issued “conflicting orders” that showed a deliberate attempt to sabotage his defense and deny him due process. He alleges the Subject District Judge imposed an unreasonable deadline when ordering him to provide documents, and he contends the order denying him the ability to file electronically was a “blatant attempt to bury [him] under unnecessary procedural burdens,” “created a fundamentally unequal playing field,” and denied him due process.

Complainant alleges the Subject Judges’ “conduct has raised serious concerns regarding extrajudicial communications with court clerks and other judicial officers.” He states multiple filings never appeared on the docket and others “were inexplicably delayed,” and he states the events strongly suggest that “external influences ... are at play” and that the Code of Conduct for United States Judges was violated.

Next, Complainant states the Subject District Judge “was personally involved in attempting to influence the handling of” a different case involving a former political office holder when she urged another judge to recuse herself from the case and advised the judge about public perception concerns. Complainant asserts that the actions demonstrate the Subject District Judge’s “willingness to insert herself into politically charged cases and raises serious questions about her impartiality in politically sensitive cases like” Complainant’s case.

Complainant asserts that the Subject District Judge’s connections to “entities” backed by a certain individual and her “alignment” with a certain presidential administration “further underscore the need for her disqualification.” He contends that the Subject District Judge’s rulings “consistently favor the interests” of certain actors who have a “vested interest in dismantling” his business and “silencing his legal challenges,” and that her handling of his case “reflects a judicial agenda designed to protect the interests of politically connected actors and undermine those perceived as political opponents.” He requests an evidentiary hearing and other types of relief.

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. The allegation that the Subject District Judge had discussions with another judge about the possibility of recusal or public perception of a case, even if true, does not constitute cognizable misconduct. Judicial-Conduct Rule 11(c)(1)(A). To the extent Complainant's allegations concern the substance of the Subject District Judge's official actions, findings, rulings, and orders in the above-described case, the allegations are directly related to the merits of the Subject District 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 Judges acted with an illicit or improper motive, were part of a conspiracy, were biased or otherwise not impartial, had a conflict of interest, engaged in improper *ex parte* communications, engaged in improper political activity, 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