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CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90270

ORDER

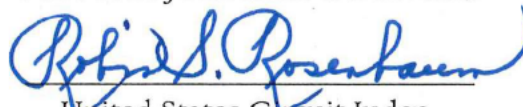
Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; WALKER and BEAVERSTOCK, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

Done this 29th day of January, 2025.

FOR THE JUDICIAL COUNCIL:


United States Circuit Judge

DEC 20 2024

David J. Smith
Clerk

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ORDER

An individual has filed a Complaint against a United States district 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 establishes that Complainant filed a civil-rights complaint against multiple defendants, and he later filed amended complaints. After various proceedings, the Subject Judge dismissed the case without prejudice due to the parties' failure to file a joint scheduling report.

The record also establishes that Complainant filed an employment-discrimination complaint against one defendant and other motions. The Subject Judge entered an order referring the case to a magistrate judge for action on non-dispositive matters and for a report and recommendation on dispositive matters. Complainant then filed two motions to vacate the Subject Judge's referral order on the ground that he did not consent to have a magistrate judge participate in the case, as well as a motion to recuse the Subject Judge. The Subject Judge denied two motions to vacate.

The magistrate judge then issued a report recommending that Complainant's complaint be dismissed without prejudice for failure to exhaust administrative remedies. The magistrate judge also denied other motions Complainant had filed. The Subject Judge entered an order adopting the report and recommendation and dismissed Complainant's complaint without prejudice.

Complaint

Complainant alleges the Subject Judge "knowingly abused" him during court proceedings, violated his rights, "successfully distract[ed]" him from filing a certain motion, knowingly entered "unlawful" and "illegal" orders, issued an "intentionally confusing, unnecessary, and vague" order, attempted to dissuade him from filing an appeal "after realizing that I had successfully objected to all the illicit actions that had taken place," falsely stated that the parties did not object to the magistrate judge's report and recommendation, and falsely stated that he "allegedly conceded to have not exhausted administrative remedies." Complainant asserts there is "no

question” that the Subject Judge’s “abusive actions” in the above-described cases “are directed by the Government,” and he also complains that the Subject Judge failed to recuse himself when his impartiality could reasonably be questioned.

Next, Complainant alleges that the Subject Judge allowed the magistrate judge to act in case when he knew Complainant had not consented to have a magistrate judge participate in the case. He alleges the Subject Judge “knowingly ignored” his motions and allowed the magistrate judge to “illegally act,” “illegally enter” orders, and “cause Technical Exercises for me during the proceedings (Targeting), in the event the matter was appealed.” He attached documents to his Complaint.

Supplement

Complainant’s supplement contains various case-related documents.

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, treated him in a demonstrably egregious and hostile manner, engaged in improper *ex parte* communications, made false statements, was 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