

JAN 14 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-24-90278

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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 establishes that Complainant is a *pro se* debtor in a Chapter 13 bankruptcy case before a bankruptcy judge who is not the Subject Judge. The Subject Judge issued an administrative order stating that unrepresented parties would no longer be permitted to file bankruptcy papers by email or fax.

**Complaint**

Complainant contends the Subject Judge's administrative order denied her certain means of access to the court in violation

of the United States Constitution, and she alleges the Subject Judge showed favoritism towards lawyers and prejudice against *pro se* filers because the order allows lawyers to file electronically but does not allow *pro se* debtors to do so. Complainant notes that other jurisdictions allow *pro se* filers to file electronically and states that she must incur extra costs and has less time to prepare pleadings because she cannot file electronically. She attached documents to her 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.

In addition, the “Commentary on Rule 4” states “The phrase ‘decision or procedural ruling’ is not limited to rulings issued in deciding Article III cases or controversies.”

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 and administrative order, 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 showed favoritism towards attorneys, was prejudiced against *pro se* litigants, 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