

FEB 19 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90280

ORDER

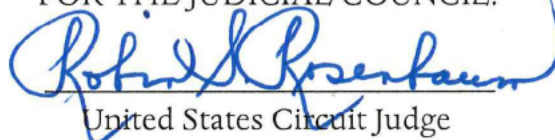
Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; WALKER and BEAVERSTOCK, Chief District Judges.

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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Eleventh Judicial Circuit

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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.

Background

The record establishes that Complainant filed a civil-rights complaint against multiple defendants and a motion for referral to a volunteer attorney program. The Subject Judge referred the motion for referral to a magistrate judge, and the magistrate judge entered orders granting the motion and referring the case to a volunteer attorney program. Complainant then filed an amended complaint naming one defendant and a “Notification to the Court of Obstruction of Justice,” in which he alleged that the government

had engaged in “obstruction efforts.” The Subject Judge ordered the notification stricken as an improper filing.

The defendant filed a motion to dismiss the amended complaint. Complainant later filed a motion for an update on the status of a ruling on the motion to dismiss, and the Subject Judge entered an order stating that the motion remained pending and would be considered in due course. The Subject Judge then entered an order denying the motion to dismiss and an order referring pretrial discovery matters to a magistrate judge. After additional proceedings, Complainant filed a second amended complaint with leave of court. The Subject Judge then entered an order dismissing the case without prejudice due to the parties’ failure to file a joint scheduling report. Afterward, Complainant filed, among other things, a motion to recuse the Subject Judge.

Complaint

Complainant asserts there is “no question” that the Subject Judge’s “abusive actions in this matter were directed by the Government,” and that the Subject Judge “target[ed] me by my Known Medical Conditions.” He alleges the Subject Judge violated his due process rights, attempted to dissuade him from taking certain actions, failed to recuse himself despite knowing that his impartiality could reasonably be questioned, “knowingly and unlawfully conducted Kangaroo Court Proceedings,” issued unlawful orders, allowed a magistrate judge to participate in the case without his consent, made false statements, failed to rule on certain motions, failed to place him on the list to receive a volunteer attorney, failed to

take appropriate action following his “Obstruction Notification,” became “allegedly agitated” when he filed a request for a status update, “unlawfully allowed” the defendant to file certain documents, had illegal *ex parte* communications with the defendant’s counsel, conspired with the defendant’s counsel to dissuade him from moving for a default, issued a “contradicting, impractical, and vague” order to “dissuade me from moving for Default (a form of Targeting),” ineffectively managed the docket, and “directed his then subordinates ... to conduct the numerous Kangaroo Court Proceedings” in another case. He attached documents to his 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.

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 case, 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, 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