

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-24-90281

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 28 day of February, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

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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.

Background

The record establishes that Complainant filed a civil-rights complaint against two defendants, a motion to proceed *in forma pauperis*, and a motion for referral to a volunteer attorney program. The Subject Judge referred the case to a magistrate judge for action on non-dispositive matters and for a report and recommendation on dispositive matters. Complainant then filed, among other things, an amended complaint and a motion to recuse the Subject Judge. The magistrate judge issued a report recommending that Complainant's *in forma pauperis* motion be granted and that his

amended complaint be dismissed without prejudice for failure to state a claim. The magistrate judge also denied other motions Complainant had filed. The Subject Judge entered an order adopting the report and recommendation and dismissed the amended complaint without prejudice.

Complaint

Complainant states that the Subject Judge was “illegally assigned to preside over this matter,” there is “no question” that his “knowingly abusive actions” in the case and in other cases “were directed by the Government,” and there is “no question” that he “target[ed] me by my Known Medical Conditions.” He complains that the Subject Judge failed to recuse himself from cases despite that his impartiality could reasonably be questioned. Complainant then alleges that the Subject Judge violated his due process rights, failed to ensure the clerk promptly and properly filed his papers, knowingly entered unlawful orders, referred the case to a magistrate judge without his consent, allowed the magistrate judge to take illegal actions, ignored motions, issued “senseless” orders and opinions, knowingly made “illicit statements” to dissuade him from filing an appeal, made false statements, and intentionally sought to confuse him. 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