

APR 3 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-25-90003 and 11-25-90004

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 3rd day of April, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-25-90003 and 11-25-90004

ORDER

An individual has filed two Complaints 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 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 motions to vacate the Subject Judge’s referral order, arguing 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 Subject Judge entered an order adopting the report and recommendation and dismissed Complainant's complaint without prejudice. Complainant filed a notice of appeal and a motion to appeal *in forma pauperis*, and the magistrate judge denied the *in forma pauperis* motion.

The record also establishes that Complainant filed a civil-rights complaint against two defendants and other motions. 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 amended complaint be dismissed without prejudice for failure to state a claim. The Subject Judge entered an order adopting the report and recommendation and dismissed the amended complaint without prejudice. Complainant filed a notice of appeal and a motion to proceed *in forma pauperis* on appeal, and the magistrate judge denied the *in forma pauperis* motion.

Complaints

Complainant alleges that the Subject Judge was "illegally assigned to preside over" the cases, engaged in "knowingly abusive actions" in the cases that "were directed by the Government," "target[ed]" and discriminated against Complainant based on his disabilities, illegally referred the cases to a magistrate judge without his

consent, allowed the magistrate judge to take illegal actions, and failed to ensure he received documents. Complainant also raises allegations against other individuals, and he attached documents to his Complaints.

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 Complaints fail 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, discriminated against him, engaged in improper *ex parte* communications, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, the Complaints are **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge