

JAN 28 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90007

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 a federal grand jury returned a superseding indictment charging Complainant with multiple crimes. The case proceeded to trial before the Subject Judge, and a jury found Complainant guilty as charged in the superseding indictment. The Subject Judge sentenced Complainant to a term of imprisonment.

After various additional proceedings, this Court granted Complainant permission to file a successive motion to vacate, set aside, or correct sentence, 28 U.S.C. § 2255, and he filed a

successive motion to vacate in the district court. The Subject Judge entered an order granting the motion in part and directing that Complainant be resentenced on four counts of conviction. At the resentencing hearing, the Subject Judge considered the factor of “specific deterrence” and stated, among other things, “Unfortunately, we live in a time where open racism has become more common,” and “I don’t have any confidence that if he was released he would not again commit a crime of this nature.” The Subject Judge then issued an amended judgment sentencing Complainant to a term of imprisonment. On appeal, this Court affirmed Complainant’s sentence.

Complainant then filed another motion to vacate, set aside, or correct sentence. In a separate filing, he stated the court’s failure to seal a certain document containing “inflammatory information” could have put his life in jeopardy at his former place of incarceration. The Subject Judge later denied Complainant’s motion to vacate.

Complaint

Complainant alleges the Subject Judge was biased against him and made inappropriate extra-judicial statements. He contends that at the resentencing hearing, the Subject Judge expressed his personal opinion to justify the sentence imposed and described “in his opinion the current state of affairs, the current political climate, etc.,” which were impermissible “extra-judicial statements using a subjective standard.” Complainant contends the Subject Judge’s statement that he had no confidence in Complainant and

that he may be angrier were inappropriate personal opinions and extra-judicial statements. Complainant also alleges the Subject Judge caused the release of “highly inflammatory information” in his post-resentencing proceedings, which was “[f]urther proof of this court’s inherent bias against the defendant.” Finally, Complainant states that the Subject Judge’s involvement in two prior unrelated cases required that he recuse himself from Complainant’s cases.

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 acted with an illicit or improper motive, was biased against Complainant, 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