

JUN 2 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90021

ORDER

Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; PROCTOR 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 2nd day of June, 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. 11-25-90021 and 11-25-90022

ORDER

An individual has filed a Complaint against a United States district judge and a United States magistrate 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 the Subject District Judge was assigned to preside over a products-liability action involving numerous plaintiffs, and the Subject Magistrate Judge was later assigned to the case as the presiding magistrate judge. After various proceedings, the Subject District Judge issued an order implementing a settlement agreement reached between the parties that set out the requirements for eligible individuals who wished to participate in the settlement. There continues to be activity in the case.

The record also establishes that Complainant filed a counseled civil complaint against the defendants in the above-described case. Complainant's attorney later filed a motion to withdraw and stated that he had recommended to Complainant that he participate in the settlement agreement, but that Complainant had elected not to participate. At a hearing, the Subject District Judge took Complainant's attorney's motion to withdraw under advisement. On the same day, the Subject Magistrate Judge held a status conference with Complainant. The minute entry for the conference shows that Complainant and his counsel attended, it lasted for 3 hours and 45 minutes, and the proceedings involved "Conference with Plaintiff."

About a week later, the Subject District Judge granted Complainant's attorney's motion to withdraw. Afterward, the Subject District Judge entered an order stating that Complainant had elected to become a participating claimant in the settlement program. The Subject District Judge later entered an order dismissing the case because Complainant had been issued a payment under the settlement agreement.

Complaint

Complainant takes issue with the Subject District Judge's approval of the settlement agreement in the first above-described case, contending the settlement was approved without his knowledge, without his or others' "informed consent," and without the Subject District Judge having "any idea about my conditions or any details of my case." He states he believes the Subject

District Judge approved the settlement “because she never had any intentions o[f] remanding any case,” and he alleges that the Subject District Judge stated there was “no better person than her to approve the settlement” and “I’m still not going to burden my colleagues around the country with these cases that I know so much about.”

Complainant asserts that the Subject District Judge “hijacked all the cases and made it her duty to settle all cases at whatever expense,” she was “resolute on pressuring all clients to settle,” and her “actions created a conflict of interest between anyone wanting to continue their case and the Judge being steadfast in creating roadblocks to prevent continuing cases.” He questions why the Subject District Judge would approve the settlement, when it provided for “well less than 1% of what the bell weather trials produced,” and when it “contained numerous violations of the Rules of Professional conduct.” He further alleges that the Subject District Judge focused “on one side’s weaknesses” and favored “the other side,” “asked questions that seemed designed to undermine my case,” “appeared biased expressing her opinions and beliefs about the case,” made “deceptive” statements concerning the final registration date, and “made an unfair requirement stating if a new attorney got involved, that she would put a 15% cap on their fees.” He states that he and others strongly believe that “the whole lawsuit was a fraud from the beginning.”

With respect to the Subject Magistrate Judge, Complainant states that, after a hearing, “I was escorted to a private room by [the

Subject Magistrate Judge]. There, I was high pressured [sic] to accept the settlement. Over an hour or two I was taken back by the pressure a federal judge would put on me to agree on something that was my right to reject. Why did she want me to settle so bad. The entire day, I never heard anything positive about my case.” He also states he “refused the extreme pressures and [m]eager attempts by” the Subject Magistrate Judge and his attorney “increasing my settlement figures pushing such.” Finally, he takes issue with the actions of his attorney and other individuals.

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.

Canon 3A(4)(d) of the Code of Conduct for United States Judges states that, except otherwise provided, a judge should not participate in *ex parte* communications, but that a judge may, “with the consent of the parties, confer separately with the parties and their counsel in an effort to mediate or settle pending matters.” *See also Guide to Judiciary Policy*, Vol. 2B, Ch. 2, Committee on Codes of Conduct Advisory Opinion No. 95: Judges Acting in a Settlement Capacity (noting that “Discussion of the possibility of settlement is a common practice at pretrial and status conferences and is expressly sanctioned in general terms by the Federal Rules of Civil Procedure.”). The Commentary on Canon 3A(4) states in part, “A judge may encourage and seek to facilitate settlement but should not act in a manner that coerces any party into surrendering the right to have the controversy resolved by the courts.”

The Complaint fails to present a basis for a finding of misconduct. To the extent Complainant’s allegations concern the substance of the Subject Judges’ official actions, findings, rulings, and orders in the above-described cases, the allegations are directly related to the merits of the Subject Judges’ 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 Judges acted with an illicit or improper motive, inappropriately pressured parties to settle, had a conflict of interest, were biased, made deceptive statements, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D); Commentary on Canon 3A(4). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge