

FEB 12 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90023

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**ORDER**

An individual has filed a Complaint against 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 Complainant filed a civil complaint, an amended complaint, and a second amended complaint against one defendant. Complainant then filed a motion for an extension of time to “complete expert witness disclosures,” and the Subject Judge denied the motion for failure to comply with a local rule. After additional proceedings, the district judge granted a supplemental motion for summary judgment and entered judgment in the defendant’s favor.

## **Complaint**

Complainant alleges the Subject Judge was biased and prejudiced, “unfairly advantaged the defense,” ignored the defendant’s misconduct, held her to an “unjust standard,” undermined her ability to effectively present her case, and exhibited a “troubling pattern of favoritism toward the defense and a disregard for the principles of fairness and impartiality that are fundamental to the judicial process.” She complains that the Subject Judge denied her request for an extension to submit her witness list report and that the Subject Judge’s reasoning “not only demonstrated a lack of empathy but also constituted an abuse of discretion.”

## **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, findings, rulings, 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, 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