

JUN 2 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90024

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 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

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ORDER

An individual has filed a Complaint against a United States bankruptcy 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 counseled voluntary petition for Chapter 11 bankruptcy. After various proceedings, the Subject Judge entered an order confirming Complainant's Chapter 11 plan of reorganization. Complainant's attorney later filed a motion to withdraw as counsel, which the Subject Judge granted.

Years later, a creditor filed a Motion for Relief from Automatic Stay on the ground that Complainant had failed to make certain payments, and Complainant filed objections to the motion. At

a hearing on the motion, the Subject Judge stated, “We’ve been here several times on this,” and Complainant responded, “This is the first one for this attorney firm. And it’s the second or third for this particular property.” The Subject Judge later continued the hearing.

At the continued hearing, the creditor’s attorney stated she had submitted a status report and a proposed order, and the Subject Judge stated he had read the report. The Subject Judge asked why Complainant did not send canceled checks to show that he had made certain payments, and Complainant responded that he included that material in his objection. Later, the Subject Judge asked why Complainant did not communicate with the creditor’s attorney before the hearing, and Complainant stated he was willing to do so, but that they “didn’t set a meet and confer” and he had “never heard of a meet and confer.” The following exchange then took place:

[The Subject Judge]: [Complainant], you’re making all this stuff up.

[Complainant]: No I’m not.

[The Subject Judge]: Yes, you are.

[Complainant]: I’m not making any of it.

[The Subject Judge]: You’re just trying to confuse everything.

After the creditor’s attorney spoke, the Subject Judge stated, “I think there is not much more I can do for you, [Complainant].”

The Subject Judge stated he was going to enter an order denying in part the motion for relief from stay and that Complainant was going to make the payments in accordance with the proposed order. Complainant stated he would like to request an evidentiary hearing, and the Subject Judge responded, "And I see no benefit. This case should have been closed up" The Subject Judge then stated:

And so accordingly, the Court is going to enter that order, and there'll be no stay. If you don't pay what's in the order, the stay would be lifted. Then you can litigate this in the state court. If they start foreclosing on your house, then maybe you'll get it resolved in that court.

But I don't see any reason. I think [the creditor's attorney] and her predecessors have done a good job in listing this, and you haven't totally cooperated with them or reached out to explain why you can't get them the information.

The Subject Judge then entered an order granting in part and denying in part the creditor's Motion for Relief from Automatic Stay. Complainant filed a motion for reconsideration, and the Subject Judge granted the motion in part, determining that certain real property was no longer part of the estate and vacating the previous order.

Complaint

Complainant alleges that the Subject Judge exhibited a pattern of “verbal bias” and abusive conduct, prevented the case from being closed, made “prejudicial remarks,” and “made disparaging comments, sometimes before, and sometimes after, a hearing about his disgust at having a Debtor Pro Se Litigant in his Court.” He alleges the “remarks escalated into open criticism about how many times I was in his court,” and in support, he the Subject Judge’s statement “We’ve been here several times on this.” Complainant alleges the Subject Judge criticized him by stating that the case should have been closed years ago. Complainant cites other statements the Subject Judge made at a hearing and contends that the statements, as a whole, show the Subject Judge acted with an “irrational and arbitrary intention to DAMAGE the Plan and send the Debtor to State Court,” which made it “impossible to negotiate with the creditors due to bias, prejudice, and favoritism.”

Next, Complainant alleges that “transcripts show that Ex parte telephone consultations were taking place in chambers,” the “consultations include” the creditor’s attorney’s status report and proposed order, the attorney “had to have been in contact with the Judge to produce a proposed order” that granted in part and denied in part certain relief, and he was denied due process by the late filing of the status report and proposed order.

Complainant alleges the Subject Judge has an underlying financial or personal conflict of interest and that he had a “personal connection” with two former attorneys “that could also explain the

bias as a personal conflict of interest.” He also states, “Since the Court has escalated to a level of misconduct only upon the arrival of [a certain law firm], the potential for a financial conflict of interest must be evaluated.”

Complainant alleges the Subject Judge did not read certain filings, exhibited “glaring favoritism” to the creditor, “consistently disregards the evidence in favor of” the creditor, and ignored the Bankruptcy Code, rules, procedures, and due process to “accommodate” the creditor’s attorney. Complainant takes issue with the Subject Judge’s order granting the creditor’s Motion for Relief from Automatic Stay, contending the motion was deficient and filed for an improper purpose. 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, 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 acted with an illicit or improper motive, was biased or otherwise impartial, treated Complainant in a demonstrably egregious or hostile manner, engaged in improper *ex parte* communications, had a conflict of interest, 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