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CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-25-90029 and 11-25-90030

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**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 two United States district judges 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 and another individual filed a prisoner civil-rights action against multiple defendants. A magistrate judge issued a report recommending that the complaint be dismissed. Over the plaintiffs’ objections, the First Subject Judge entered an order adopting the report and recommendation, and the case was closed. The plaintiffs then filed an amended complaint and a motion for rehearing, and the First Subject Judge entered orders denying the objections, striking the amended complaint, and denying the motion for rehearing.

Over 30 years later, Complainant filed a “Motion for Final Judgment.” The case was reassigned to the Second Subject Judge who issued an order construing the filing as a motion for reconsideration and denying it because the timing of the motion was unreasonable. Complainant then filed a motion to alter or amend the judgment, which the Second Subject Judge denied.

### **Complaint**

Complainant states the First Subject Judge adopted the magistrate judge’s report and recommendation without referencing the plaintiffs’ objections and amended complaint, and he takes issue with the First Subject Judge’s order denying the motion for reconsideration. Complainant also takes issue with the Second Subject Judge’s orders denying his motions, and he alleges the Second Subject Judge colluded with the clerk’s office and others to omit a motion for judicial notice he submitted. Finally, he takes issue with the actions of other individuals, and 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 Judges’ official actions, findings, rulings, and orders in the above-described case, 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 colluded with others 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