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David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90034

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**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.

As an initial matter, after Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statements is permitted. *See* 11th Cir. JCDR 6.7.

**Background**

The record establishes that Complainant filed a civil complaint against two defendants, a “Motion for Pacer service waiver,” and a motion to proceed *in forma pauperis*. The Subject Judge denied the Motion for Pacer service waiver. Complainant then filed a motion to recuse the presiding magistrate judge and a “Motion for the record,” and the Subject Judge denied the Motion for the

record. Complainant filed a motion for summary judgment, and the next day, he filed an amended motion for summary judgment. On the same day that he filed the amended motion, the Subject Judge entered an order denying the motions for summary judgment as premature because the motion to proceed *in forma pauperis* remained pending and the defendants had not been served. The Subject Judge advised Complainant that he must comply with procedural rules. The case remains pending.

### **Complaint**

Complainant alleges the Subject Judge denied his motion for summary judgment in 30 minutes or less “even though the complaint with the exhibits combined is well over 40 pages.” He states, “For a Judge to make a ruling that fast and quick is extremely biased.” He contends that the Subject Judge denied the motion for summary judgment on impermissible grounds, falsely stated that Complainant did not follow federal rules and procedures, and overlooked the United States Constitution, Supreme Court case law, and federal law. Complainant states the Subject Judge “doesn’t respect the fact” that he is representing himself and that he is being treated as if he does not have equal rights under the law. He states he has “completely lost faith in this justice system.” Complainant also alleges that the Subject Judge delayed ruling on his *in forma pauperis* motion even though he proved he was indigent and delayed ruling on his motion to recuse, and he states “my civil complaint is being delayed and for that my life is being delayed and put in limbo.” He attached documents to his Complaint.

## **Supplement**

In his supplement, Complainant reiterates his allegations and attached additional documents.

## **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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as 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 biased, made false statements, 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