

MAR 12 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90035

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.

Background

The record establishes that the Subject Judge was assigned to preside over a criminal case in which a former political office holder was one of the defendants. After various proceedings, the Subject Judge entered an order granting the defendant’s motion to dismiss the superseding indictment. Afterward, the defendants filed a motion to preclude the government from publicly issuing a certain report. The Subject Judge issued an order temporarily enjoining the government from issuing the report, and the Subject Judge later issued orders denying the emergency motion as to one

volume of the report and granting the motion as to another volume of the report.

Complaint

Complainant alleges the Subject Judge's order blocking the government's public release of the report was "an extraordinary and legally dubious move," was issued in the absence of jurisdiction, served "no legitimate judicial purpose other than to suppress public knowledge of facts uncovered during a thorough and legally authorized investigation," was a "direct violation of the public's right to access information regarding an investigation that was funded by taxpayers," and was part of a pattern of decisions favoring the defendant.

Complainant alleges the Subject Judge dismissed the above-described case based on flawed constitutional reasoning, exhibited a consistent pattern of favoritism to the defendant, appeared to be biased in favor of the defendant, engaged in actions that deviated from judicial norms and suggested partiality, and violated the Code of Conduct for United States Judges. He states that "[r]eports have surfaced" suggesting that Subject Judge is under consideration for a position in the defendant's administration, which, if true, created an appearance of bias and required the Subject Judge's recusal. He also alleges that, in a previous case, the Subject Judge disregarded Supreme Court precedent.

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, rulings, findings, 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 or otherwise not impartial, had a conflict of interest, violated the Code of Conduct for United States Judges, 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