

MAR 13 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-25-90037 through 11-25-90041

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**ORDER**

Two individuals have filed a Complaint against three United States circuit judges, one United States district judge, and one 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 Complainants filed in state court a civil complaint against two defendants, and the defendants removed the case to federal court. After various proceedings, the Subject Magistrate Judge entered an order that, among other things, denied Complainants' amended motion for summary judgment as procedurally premature. Complainants appealed and filed a motion to proceed *in forma pauperis* on appeal. The Subject Magistrate Judge initially granted the *in forma pauperis* motion, but the

Subject District Judge later denied the motion. Several days after the denial of the *in forma pauperis* motion, a panel of this Court that included the First and Third Subject Circuit Judges dismissed the appeal for lack of jurisdiction and denied all pending motions as moot.

### **Complaint**

Complainants allege that this Court prematurely dismissed their appeal without providing them time to file an *in forma pauperis* motion in violation of Federal Rule of Appellate Procedure 24 and their due process rights. They contend that this Court failed to independently review their eligibility for *in forma pauperis* status, which “contravenes established precedent and appears designed to obstruct [their] access to the appellate process.” Complainants next allege that multiple docket entries and their “critical filings” were deleted from the appellate docket without explanation, “raising concerns about judicial transparency and potential misconduct.” Complainants also complain that this Court failed to rule on multiple pending motions before dismissing the case. They take issue with the actions of another individual, and they attached documents to their Complaint. They do not raise any specific allegations concerning the Subject District Judge or the Subject Magistrate Judge.

### **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. As an initial matter, the Second Subject Circuit Judge named in the Complaint did not participate in Complainants’ appeal, and they provide no credible facts or evidence that the Second Subject Circuit Judge engaged in misconduct. To the extent Complainants’ allegations concern the substance of the other Subject Circuit Judges’ official actions, rulings, and opinion in the above-described appeal, the allegations are directly related to the merits of those 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 any of the Subject Judges acted with an illicit or improper motive 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