

APR 03 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

---

Judicial Complaint No. 11-25-90048

---

**ORDER**

An individual has filed a Complaint against a United States circuit 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 in this Court a “Petition for Writ of Habeas Corpus ...,” which was docketed as a petition for writ of mandamus. The case was initially clerically dismissed because Complainant did not pay the filing fee or file an *in forma pauperis* motion. Complainant then filed a motion to reinstate, to proceed *in forma pauperis*, and for the appointment of counsel, and the Subject Judge issued an order granting the motion to reinstate but denying the *in forma pauperis* motion and motion for appointment of counsel because the mandamus petition was

frivolous. Complainant filed a motion for reconsideration, which the Subject Judge and another judge denied. Complainant's mandamus petition was later clerically dismissed for want of prosecution because he failed to pay the filing fee.

### **Complaint**

Complainant alleges the Subject Judge conspired with prison wardens to conceal Complainant's original habeas corpus petition. He also alleges the Subject Judge failed to provide him a full hearing and failed to "monitor" this Court's case management system. Finally, he complains that he was not allowed to proceed *in forma pauperis*, and he asserts his due process rights were denied.

### **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 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 was part of a conspiracy 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