

JUL 15 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90053

ORDER

Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit Judges; BEAVERSTOCK and WINSOR, 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 15 day of July, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

APR 11 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90053

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 an entity filed a civil case against a company, and Complainant signed the complaint on behalf of the plaintiff. The plaintiff then filed an amended complaint, and the defendant filed a motion to dismiss. The plaintiff filed a motion for a default judgment, and the defendant filed a motion to stay discovery pending a ruling on its motion to dismiss. The Subject Judge granted the defendant's motion to stay discovery. Afterward, the plaintiff filed a motion to strike the defendant's motion to dismiss, the defendant filed an amended motion to dismiss, and the plaintiff

filed an amended motion to strike and an amended motion for a default judgment.

After a hearing, the Subject Judge entered an order directing Complainant to amend her complaint to substitute the real party in interest. Complainant filed an amended complaint, and the defendant filed a motion to dismiss. The Subject Judge then granted the defendant's most-recent motion to dismiss on the ground that the amended complaint failed to state a claim on which relief could be granted, denied as moot the defendant's first two motions to dismiss and the plaintiff's motions to strike, and denied the motions for a default judgment because the defendant filed a timely motion to dismiss. This Court clerically dismissed Complainant's appeal for want of prosecution.

Complaint

Complainant alleges the Subject Judge acted with an improper motive and "intentionally, dishonestly, and unethically" excluded certain statements, abused his power and authority, made false statements, falsified orders, allowed the defendant's attorney to engage in misconduct, delayed ruling on motions, "incorrectly numbered" documents in an order to "wrongfully obscure" docket activity, failed to rule on certain motions, "wrongfully terminated documents," demonstrated "unfaithfulness to law and litigant disrespect," refused to accept the plaintiff's legal entity, scheduled an unnecessary in-person hearing, argued with the plaintiff, continuously threatened to dismiss the case, violated the plaintiff's rights, was biased against the plaintiff and in favor of the defendant, and

took actions to cause the plaintiff to lose the case. She attached documents to the 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.

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, 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, treated her in a demonstrably egregious and hostile manner, 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