

APR 15 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90056

ORDER

An individual has filed a Complaint against a 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 a sealed search warrant was issued. The Subject Judge then issued an order construing two filings as a motion to unseal the search warrant and directing the government to respond. After the government filed a sealed response, the Subject Judge denied the motion to unseal.

Complaint

Complainant alleges the Subject Judge took action in the case without establishing jurisdiction in violation of “constitutional

requirements and fundamental due process principles,” failed to adhere to his oath of office, violated the Code of Conduct for United States Judges, was biased and partial, failed to ensure procedural fairness, and failed to establish proper venue, obtain a sworn complaint, or verify jurisdiction over Complainant, which rendered his actions void. Complainant further alleges the Subject Judge “refused to recognize” jurisdictional challenges and allowed the proceedings to continue “despite a clear jurisdictional defect.” Finally, Complainant alleges the Subject Judge failed to recuse himself despite having a “clear conflict of interest,” which “compromised the integrity of the proceedings and deprived the complainant of an impartial tribunal.”

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, violated his oath of office, violated the Code of Conduct for United States Judges, had a conflict of interest, 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