

MAY 15 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90077

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**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 federal grand jury returned an indictment charging an individual with three crimes. After various proceedings, a magistrate judge who is not the Subject Judge entered an order finding the defendant was not competent to stand trial and directed that he be committed to the custody of the Attorney General for hospitalization and treatment. The defendant then became a fugitive. After the defendant was arrested, the Subject Judge held a status conference and issued an orders appointing counsel for the defendant and directing that he be committed to

the custody of the Attorney General for hospitalization and treatment. The case remains pending.

### **Complaint**

Complainant states that the defendant is her husband. She alleges that attorneys hired to defend her husband on “charges for a pretrial violation” informed her that the Subject Judge “would not allow them to enter into the case to file motions or take any legal actions” and would only allow legal defenses on previous charges filed against her husband, which raised double-jeopardy issues. Complainant also states the “court has also created a new case number which also brings concerns of double jeopardy.” Complainant next alleges the Subject Judge had a conflict of interest because she communicated with the previous magistrate judge in the case to obtain advice. Finally, Complainant states her husband and family believe their constitutional rights have been violated “due to the constant denial of my husband’s right for legal defense for a fair and accurate speedy resolution of the case.”

### **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, findings, rulings, 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 had a conflict of interest, engaged in improper *ex parte* communications, 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