

JUL 30 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90079

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**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 30th day of July, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

MAY 23 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
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**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 Complainant filed a civil complaint against multiple defendants, and the defendants filed motions to dismiss. Complainant later filed an “Emergency Motion for Declaratory Relief, or Alternative Motion for Protective Order.” The Subject Judge issued an order construing the motion as a request for injunctive relief and striking the motion because it violated a previous order preventing Complainant from filing further motions for injunctive relief. Complainant then filed an amended complaint, and the defendants filed motions to dismiss. The

Subject Judge later stayed the case pending resolution of the motions to dismiss and directed the clerk to administratively close the case.

### **Complaint**

Complainant states his Complaint arises from the Subject Judge's "repeated and prejudicial mishandling of dispositive and emergency motions, resulting in due process violations and a failure to adhere to jurisdictional boundaries." He alleges the Subject Judge improperly construed his motion for declaratory relief as a request for injunctive relief, improperly struck the motion, and ignored that the state court had been divested of jurisdiction. He contends the Subject Judge's actions were in "apparent retaliation for Plaintiff's efforts to challenge judicial misconduct." Finally, he alleges the Subject Judge violated multiple canons of the Code of Conduct for United States Judges. He attached documents to his 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.

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 acted with an illicit or improper motive, retaliated against him, violated the Code of Conduct for United States Judges, 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