

MAY 28 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90082

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.

After Complainant filed his Complaint, he filed a supplemental statement. The filing of the supplemental statements is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant filed a prisoner civil-rights action against one defendant, a magistrate judge issued a report recommending that the case be dismissed due to Complainant’s failure to comply with court orders, and a district judge who is not the Subject Judge adopted the report and recommendation.

The record also establishes that Complainant filed another prisoner civil-rights complaint against the defendant and a motion to proceed *in forma pauperis*. A magistrate judge granted the motion to proceed *in forma pauperis* and directed Complainant to pay a partial filing fee. The magistrate judge later issued a report recommending that the case be dismissed without prejudice due to Complainant's failure to pay the partial filing fee. Over Complainant's objections, the Subject Judge adopted the recommendation on the grounds that the court had not received a payment for the case and that, even if Complainant had paid the fee, the court could dismiss the case because it was the same as the earlier dismissed case. This Court dismissed his appeal for lack of jurisdiction.

Complaint

Complainant alleges that his cases were dismissed for failure to pay a partial initial filing fee despite that he did pay the fee, and that when he made the Subject Judge aware that he had paid the fee, the Subject Judge abused his discretion and dismissed the cases "for no reason." He states the Subject Judge's actions indicate that he acted with malice and in reckless disregard for the law.

Supplement

In his supplement, Complainant reiterates his allegations.

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 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