

JUN 13 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90091

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 an amended civil complaint against multiple defendants, and the Subject Judge entered an order dismissing the amended complaint. Complainant filed a second amended complaint and a motion for clerk’s entry of default. A clerk’s default was entered as to one defendant, and the defendant moved to set the clerk’s default aside. Complainant then filed a third amended complaint. The defendants filed a motion to dismiss, and three days later, the Subject Judge entered an order granting the motion on the ground that the third amended

complaint failed to state a plausible claim for relief. Complainant filed a motion to vacate the dismissal order on the ground that he did not receive the defendants' motion to dismiss, and the Subject Judge denied the motion.

Complaint

Complainant alleges the Subject Judge violated his constitutional rights and the Federal Rules of Civil Procedure by granting the defendants' motion to dismiss without requiring a valid certificate of service. He complains that the Subject Judge refused to amend or vacate her order despite her awareness that he did not receive the motion to dismiss. Complainant states the Subject Judge's conduct "appears retaliatory in nature and stems from" a previous judicial complaint he filed against her. He contends the Subject Judge dismissed his amended complaint within three days, "a timeline that strongly suggests improper motivation," and that she also acted "out of racial bias." Complainant alleges the Subject Judge improperly failed to vacate the clerk's entry of default against a defendant. He states, "Her continued refusal to correct these fundamental errors constitutes misconduct, bias, and dereliction of judicial duty," and that her actions "erode public trust in the judiciary and set a dangerous precedent for pro se litigants."

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, was biased or otherwise not impartial, discriminated or retaliated against him, 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