

OCT 9 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-25-90130 and 11-25-90131

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 9th day of October, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

AUG. 04 2025

David J. Smith
Clerk

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ORDER

An individual has filed a Complaint against a United States district judge and 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 Complainant filed a petition for writ of habeas corpus, 28 U.S.C. § 2254, challenging a state-court conviction, and he later filed a second amended petition, a motion for the appointment of counsel, and a motion for modification of custody. The Subject Magistrate Judge entered an order denying the motion for the appointment counsel, stating the court would revisit the matter if the need for counsel became evident or if the court determined that discovery or an evidentiary hearing was warranted. The Subject Magistrate Judge also issued a report

recommending that the motion for modification of custody be denied. Over Complainant's objections, the Subject District Judge adopted the report and recommendation.

The respondent filed a motion to dismiss Complainant's petition, and Complainant filed a response to the motion and another motion to appoint counsel. The Subject Magistrate Judge issued an order denying the motion to appoint counsel without prejudice and again stated the court would revisit the matter under certain circumstances. The Subject Magistrate Judge then issued a report recommending that the respondent's motion to dismiss Complainant's petition be granted on the ground that he failed to exhaust his state-court remedies. Over Complainant's objections, the Subject District Judge adopted the report and recommendation.

Complaint

Complainant states he believes the Subject Judges acted with impropriety, made "irresponsible" rulings, were biased, exhibited racial prejudice, allowed others to convey the impression that they were in a special position to influence the judges, and violated the Code of Conduct for United States Judges. Complainant takes issue with the orders denying his requests for relief, the Subject Magistrate Judge's reports and recommendations, and the Subject District Judge's order dismissing his petition. He contends that the Subject Magistrate Judge gave two "seemingly contradictory reasons" for denying his motion for modification of custody, and he complains that the Subject Magistrate Judge recommended that his

petition be dismissed without revisiting his request for appointment of counsel.

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 Judges’ official actions, findings, rulings, reports, recommendations, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judges’ 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 Judges acted with an illicit or improper motive, were biased or otherwise not impartial, engaged in racial discrimination, 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