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CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90155

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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 4th day of December, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

SEP 04 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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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.

As an initial matter, after Complainant filed his Complaint, he filed a supplement. The filing of the supplement is permitted. *See* 11th Cir. JCDR 6.7.

**Background**

The record establishes that Complainant filed a *pro se* civil complaint and a motion to proceed *in forma pauperis*, and a magistrate judge granted the motion. He later filed an amended complaint against a company and two individuals. The Subject Judge entered an order allowing the case to proceed and describing the requirements for service of process. The Subject Judge later

entered an order directing Complainant and counsel for the corporate defendant to appear in person for a status conference. The individual defendants filed a motion to dismiss for failure to perfect service. The Subject Judge then entered an order directing counsel for the individual defendants to attend the status conference in person.

After the conference, the Subject Judge entered an order directing Complainant to respond to the motion to dismiss. Complainant filed a response in opposition, and the corporate defendant filed a motion to dismiss. The Subject Judge entered an order denying the corporate defendant's motion to dismiss, setting a hearing on the other defendants' motion to dismiss for lack of service, directing Complainant and counsel for the individual defendants to appear in person at the hearing, and stating that the individual defendants' motion to dismiss would be granted if Complainant did not prove that he gave the clerk a correct address for the individual defendants.

After the hearing, the Subject Judge entered an order granting the individual defendants' motion to dismiss because Complainant failed to show that the defendants were properly served or that he gave the clerk accurate address information for either defendant. Complainant filed a motion to resolve a "judicial error" in which he took issue with the Subject Judge's finding concerning service, and the Subject Judge denied the motion to the extent it could be construed as a motion for reconsideration. The remaining corporate defendant and Complainant then filed motions for

summary judgment. The Subject Judge entered an order granting summary judgment and denying Complainant's motion.

### **Complaint**

Complainant alleges the Subject Judge suffered from a disability and failed to enforce his own orders. He states the Subject Judge allowed the defendants to twice violate a court order directing them to appear in court, and he states, "I deserved a judgment twice." Complainant alleges that his father was in court as witness, his father asked the Subject Judge "to review the law regarding" the Federal Rules of Civil Procedure, and the Subject Judge "raised his voice loudly and said 'Are you arguing with me'! The judge then said loudly 'You just want to drag him to court to take his money'! You just want to drag him to court to take his money'!" Complainant states, "At this point the judge had already wrongly prejudged the case before" the summary-judgment motion was filed.

Complainant next asserts the Subject Judge falsely stated that an attorney cannot be served for their client, which established that he had a "judicial disability." Complainant contends he properly served the defendants "by the U.S. Marshal[] Service once approved by another judge by the pauper affidavit." He states the Subject Judge "appeared to have no knowledge of the procedures of the pauper affidavit" and alleges he "ignored the pauper affidavit notice of approval and the U.S. Marshal[] Service procedures on the docket report showing the defendants being served." He states the Subject Judge "blamed" him for a mistake made by the Marshals Service, "was passive," and "caused conflict when he could have

easily contacted the U.S. Marshal Service for clarification.” Finally, he states he is “supposed to be in a protected class by law but I understand how the system is against me.” He attached documents to his Complaint.

### **Supplement**

In his supplemental filing, Complainant reiterates his allegation that the Subject Judge allowed the defendants to twice violate court orders directing them to appear in court. He also alleges the Subject Judge “moved the case to Summary Judgment knowingly using an affidavit containing false statements that the court agreed to.” He attached documents to his supplement.

### **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, treated anyone in a demonstrably egregious and hostile manner, knowingly made false statements, suffered from a disability, 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