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CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90161

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**ORDER**

Before: NEWSOM, BRANCH, and GRANT, 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 Acting Chief United States Circuit Judge Robin S. Rosenbaum, 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 Acting Chief Judge Rosenbaum. The petition for review is DENIED.

Done this 4th day of December, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Kevin C. Newsom

United States Circuit Judge

SEP 16 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Acting Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90161

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**ORDER**

An individual has filed a Complaint against a United States circuit 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 shows that Complainant filed a prior judicial complaint against multiple judges. The Subject Judge issued an order concluding the complaint as to one judge under Judicial-Conduct Rule 11(e) and dismissing the complaint as merits-related and based on allegations lacking sufficient evidence as to the remaining judges.

## **Complaint**

Complainant alleges the Subject Judge “erroneous characterized” his prior judicial complaint as merits-related because he did “not challenge judicial rulings per se, but rather intentional improper motives, fraud on the court, and serious constitutional violations that exceed protected judicial decision-making under 11th Cir. JCDR 4(b)(1).” (Italics removed). Complainant also takes issue with the Subject Judge’s conclusion of the prior complaint matter as to one judge under Judicial-Conduct Rule 11(e), contending the ruling ignored that judicial councils retain authority to investigate past misconduct and impose sanctions even after a judge leaves office. He also reiterates allegations made against the subject judges named in his prior complaint, and 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.

In addition, the “Commentary on Rule 4” provides:

The phrase “decision or procedural ruling” is not limited to rulings issued in deciding Article III cases or controversies. Thus, a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related — in other words, as challenging the substance of the judge’s administrative determination to dismiss the complaint — even though it does not concern the judge’s rulings in Article III litigation.

The Complaint fails to present a basis for a finding of misconduct. Complainant’s allegations are directly related to the substance of the Subject Judge’s order concluding in part and dismissing in part Complainant’s prior judicial complaint. Judicial-Conduct Rule 11(c)(1)(B). For that reason, this Complaint is **DISMISSED**.

/s/ Robin S. Rosenbaum  
Acting Chief Judge