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CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90181

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 28th day of November, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

SEP 23 2025

David J. Smith
Clerk

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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 a plaintiff filed a civil complaint against Complainant and two other individuals. After the Subject Judge issued a judgment against one defendant, Complainant filed a motion for change of venue, which the Subject Judge denied. The plaintiff filed a motion for partial summary judgment against Complainant and the remaining defendant, and the Subject Judge

granted the motion and issued a final judgment against Complainant and the other defendant. After the defendants appealed, Complainant filed multiple motions seeking various types of relief, and the Subject Judge entered orders denying or striking the motions.

Complaint

Complainant alleges the Subject Judge refused to consider his “evidentiary exhibits based on curable labeling defects, without providing notice or opportunity to correct them, in violation of due process requirements.” He contends the Subject Judge allowed counsel for the plaintiff to proceed despite withholding deposition transcripts and exhibits, “thereby permitting litigation by ambush and depriving Defendant of a fair opportunity to present his case.” Complainant alleges the Subject Judge failed to safeguard the fairness of the proceedings when a codefendant’s affidavit contradicted the plaintiff’s allegations “creating extraordinary circumstances under which enforcement of judgment undermines public confidence in the judiciary.” Complainant also alleges the Subject Judge unfairly disadvantaged him and imposed undue burdens by failing to transfer the case to a different venue. He states, “Collectively, these actions demonstrate bias, denial of due process, and disregard for procedural fairness, which constitute judicial misconduct”

Supplement

In his supplemental filing, Complainant states he is submitting “additional exhibits relevant to the allegations of bias, due process violations, and suppression of evidence.” He states the exhibits

“establish a pattern of misconduct by [the Subject Judge] that compromises impartiality and denies due process.”

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, 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