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David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint Nos. 11-25-90186 through 11-25-90197

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**ORDER**

An individual has filed a Complaint against twelve United States circuit judges 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.

**Judicial-Conduct Rule 25(f)**

As an initial matter, the Eleventh Circuit Judicial Council has determined that it is in the interest of sound judicial administration to permit the Chief Judge to dispose of this Complaint on the merits. Judicial-Conduct Rule 25(f).

**Background**

The record establishes that Complainant appealed the dismissal of his civil complaint for failure to pay the filing fees and the

denial of his motion for relief from judgment. On appeal, Complainant filed multiple motions for relief. One of the Subject Judges entered orders granting his motion for an exemption from electronic filing and denying his motion to expedite, and two Subject Judges entered an order granting his motion to reinstate the appeal. The appeal remains pending.

### **Complaint**

Complainant contends that no ruling was issued on his motion to proceed *in forma pauperis* and motion to expedite the appeal for over six months. He states, “Despite a previous administrative dismissal that required a two-judge panel to reinstate the appeal due to ‘administrative delays and inaction,’ this pattern has continued.” He also complains about delay in ruling on his time-sensitive motion to compel ruling. Complainant contends that the “continued, unexplained delay in this case constitutes judicial misconduct,” violated his constitutional rights, breached the Subject Judges’ oath of office, violated Canon 3 of the Code of Conduct for United States Judges, supported a “‘class of one’ Equal Protection claim,” eroded public trust in the judiciary, and demonstrated a disregard for the “foundational judicial duty to rule promptly.” In an attached “Declaration,” Complainant also takes issue with the actions of an individual who is not a federal judge.

### **Supplement**

After Complainant filed his Complaint, he filed a supplement composed of various documents in which he complains

about the “extraordinary and unexplained delay” in his appeal. The filing of the supplement is permitted. *See* 11th Cir. JCDR 6.7.

### **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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as 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' orders or any delay in the above-described appeal, the allegations are directly related to the merits of the Subject Judges' decisions or procedural rulings. Judicial-Conduct Rule 11(c)(1)(B). Complainant otherwise provides no facts or evidence to raise an inference that any of the Subject Judges engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.  
Chief Judge