

OCT 15 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90213

ORDER

An individual has filed a Complaint against 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 civil complaint against a federal agency. He later filed a second amended complaint, and the Subject Judge entered an order directing him to file a third amended complaint that corrected certain deficiencies. Complainant moved to stay the case until he received records under the Freedom of Information Act, and the Subject Judge granted the stay until a certain date and directed Complainant to file a status report. Complainant filed a motion to recuse the Subject Judge, which the Subject Judge denied.

After multiple extensions of the stay, the Subject Judge denied a motion to extend the stay and directed Complainant to file a third amended complaint by a certain date. After that date, the Subject Judge issued a report recommending that the second amended complaint be dismissed for failure to prosecute, failure to comply with court orders, and failure to state a claim.

Complaint

Complainant states he needs certain records he requested through the Freedom of Information Act to be able to file his third amended complaint. He asserts the Subject Judge's order lifting the stay and ordering him to file his third amended complaint was "null and void," and he alleges the Subject Judge violated his due process right to be heard.

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, report, 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 engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, this Complaint is **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge