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David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90216

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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.

**Background**

The record establishes that the Subject Judge has been assigned to four civil cases Complainant filed, and in each case, the Subject Judge issued an order dismissing Complainant’s complaint.

**Complaint**

Complainant states that his Complaint concerns the Subject Judge’s “systematic denial of my Seventh Amendment right to a jury trial, unlawful dismissals, and disregard of sworn evidence of jury tampering.” He states that in each of his cases, the Subject

Judge denied him a public hearing and a jury trial, denied his motions and requests for relief, and attempted to dismiss the case on procedural grounds. He asserts the Subject Judge failed to explain why his cases were dismissed, delayed cases, “ignored sworn affidavits and video evidence of grave misconduct and criminal activity,” and forced him to disclose private financial information “without preserving rights.” Complainant states, “Requiring me to produce ‘enough evidence’ pre-trial to satisfy the judge is unconstitutional gatekeeping.”

Complainant then states that in one case where he had a jury trial, “the entire jury was switched on the day of trial” and that he has a sworn affidavit from a witness confirming that this occurred. Complainant states, “This is new and credible evidence of jury tampering that [the Subject Judge] ignored.” Complainant next states there is “possible evidence” that “shows that the judge presiding over that trial may not have been a lawful Article III judge, but a part-time judge with potential ties to the prosecution,” and he states the individual “maintains a private attorney’s office ... raising conflict-of-interest concerns.” Finally, he alleges the Subject Judge’s conduct “undermines confidence in the judiciary and is irreconcilable with judicial oath and duty.” Along with his Complaint, he included materials that he states “demonstrate a pattern of ignored sworn evidence, including child exploitation and sworn affidavits of sexual abuse, and demand immediate review and referral.”

## 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 Judge’s official actions, findings, rulings, and

orders in his cases, 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 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