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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. 11-25-90217

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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 a corporate plaintiff filed in state court a civil complaint against Complainant, and Complainant removed the case to federal court and filed a counterclaim and third-party complaint against other entities. The Subject Judge entered an order remanding the case to state court on the ground that Complainant failed to state a legitimate basis for the court's subject-matter jurisdiction.

## **Complaint**

Complainant states that his Complaint concerns “willful disregard of jurisdictional limits, constitutional rights, and failure to act on evidence of ongoing child endangerment.” He contends the Subject Judge denied his constitutional right to a jury trial, remanded the case to a court that lacked jurisdiction, made an “unsupported and conclusory” statement that Complainant failed to file a complete state court record, ignored evidence, and failed to act on video evidence that a minor was in danger. Complainant alleges the Subject Judge “continued and compounded” a pattern of denying him relief, and he states the Subject Judge “seems to use the same techniques to deny constitutional rights, showing collusion in suppressing rights, using statutes as a way to disguise these abuses.” 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.

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 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, colluded with others, 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