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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. 11-25-90222

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**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 *pro se* employment-discrimination complaint against multiple defendants. The defendants moved for partial summary judgment, and the Subject Judge issued a report recommending that the motion be granted. The defendants then filed a motion to stay discovery pending the district court's consideration of the report and recommendation, and the next day, the Subject Judge granted the motion.

After additional proceedings, the defendants filed a motion for sanctions against Complainant, arguing he had made multiple

misrepresentations of caselaw to the court. The Subject Judge issued an order stating that there was reason to believe that Complainant used artificial intelligence to assist him with his filings because he had cited “[f]ake cases and fake quotes.” The order required him to attach to any filing a signed declaration that disclosed the use of any artificial intelligence, identified the portion of the filing prepared by artificial intelligence, and certified that he had checked the accuracy of any such portion. The order stated that any paper submitted without the declaration would be stricken and that any misrepresentations to the court could result in sanctions.

Complainant filed a notice objecting to the requirement that he provide a declaration with each filing. The Subject Judge entered an order stating that Complainant openly defied a lawful court order by failing to attach the required declaration to his notice, and directing him to be prepared to discuss the matter at the upcoming hearing. After a hearing, the Subject Judge “ordered” the defendant to file a motion for monetary sanctions and a proposed order and “advised” Complainant that unless the district judge overruled the prior order, he must attach the declaration to all filings. The defendant then filed an amended motion to dismiss the case and for sanctions against Complainant. The Subject Judge issued a report recommending that the case be dismissed with prejudice and that the defendants’ motion for sanctions be granted in part. The case remains pending.

## **Complaint**

Complainant alleges the Subject Judge engaged in a “pattern of extraordinary judicial misconduct that has shattered the presumption of impartiality” and “taken actions that violate fundamental principles of due process and judicial ethics, undermining the integrity of the adversarial process.” He alleges the Subject Judge engaged in “judicial coaching” by “instructing Defendant to file a new sanctions motion ... effectively offering strategic guidance unavailable to Plaintiff.” He contends the Subject Judge “[m]anipulated procedural timelines and selectively enforced rules, granting Defendant last-minute requests without giving Plaintiff a chance to respond, while denying Plaintiff’s motions within hours of filing.”

Complainant contends the Subject Judge granted the defendants’ motion to stay discovery in one day without providing him an opportunity to respond. He alleges the ruling adopted the defendant’s “framing wholesale,” occurred “outside the normal operations of the Court,” constituted “personal misconduct,” intentionally excluded him from the proceedings, had no legal or procedural justification, deviated from standard practice, was part of a pattern “to silence one party while enabling the other,” and constituted a “deliberate weaponization of judicial power for a tactical end.”

Complainant next contends that the language used in certain docket entries “confirms the Court’s selective treatment.” He states the defendant was “ordered” to file a new sanctions motion,

while he was “advised” to comply with a vague order. He asserts, “This was not an incidental word choice; it confirmed that only the Defendant was given clear, favorable terms, while Plaintiff was left with ambiguous and potentially punitive obligations.” He states he was “systematically denied equal access to briefing opportunities, reciprocal guidance, and reasonable decision timeframes.” Finally, he alleges the Subject Judge “abandoned her judicial role and engaged in coercive, retaliatory actions,” issued an order applicable only to him that lacked a legal basis and served as a pretext for sanctions and retaliation, became an advocate for and showed favoritism towards the defendant, appeared to be partial, violated Canons of the Code of Conduct for United States Judges, and violated the United States Constitution. 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, reports, recommendations, 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, was biased or otherwise not impartial, retaliated against him, violated the Code of Conduct for United States Judges, 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