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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. 11-25-90232 and 11-25-90233

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**ORDER**

An individual has filed a Complaint against a United States district judge and 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.

As an initial matter, after Complainant filed his Complaint, he filed three supplements. The filing of the supplements is permitted. *See* 11th Cir. JCDR 6.7.

**Background**

The record establishes that Complainant filed a civil complaint against a federal agency. He then filed multiple motions, including a motion to proceed *in forma pauperis* and a motion to file an amended complaint. The Subject Magistrate Judge entered an order denying the *in forma pauperis* motion and directing

Complainant to show cause why the court had jurisdiction over the action. Complainant filed a motion for referral to a volunteer program, a renewed *in forma pauperis* motions, and a response to the court's order. The Subject Magistrate Judge granted the motion to file an amended complaint, denied the renewed *in forma pauperis* motion, granted the motion for referral to a voluntary attorney program, and denied other motions. Complainant filed an amended complaint and another motion to proceed *in forma pauperis*, and the Subject Magistrate Judge denied the *in forma pauperis* motion on the ground that Complainant did not meet the indigency requirement. The case remains pending.

The record also establishes that Complainant filed an employment-discrimination complaint against the federal agency and other defendants. He also filed a motion to proceed *in forma pauperis* and other motions. The Subject Magistrate Judge granted the *in forma pauperis* motion. Complainant then filed an amended complaint and moved to reassign the case. The Subject Magistrate Judge granted the motion to reassign, and the case was assigned to the Subject District Judge.

The Subject District Judge entered an order dismissing without prejudice Complainant's amended complaint, setting aside the order granting his *in forma pauperis* motion, and denying without prejudice his *in forma pauperis* motion. The Subject District Judge found that the amended complaint was a shotgun pleading, and as to a certain count, found that Complainant's "scant allegations" were "too vague and conclusory to state a plausible claim." The

order directed Complainant to pay the filing fee and cure the deficiencies in his amended complaint by a certain date.

Complainant moved for an extension of time to file the amended complaint, and the Subject District Judge entered an order granting the motion in part and directing the clerk to close the case for administrative purposes subject to reopening upon Complainant's compliance with the order. Complainant filed a motion for clarification of the court's "contradictory orders" concerning his amended complaint and the administrative closure of the case. The Subject District Judge granted the motion and stated the case was administratively closed because he had not paid the filing fee or been permitted to proceed *in forma pauperis* and the clerk would accept an amended complaint even if the case was administratively closed. Complainant then filed, among other things, another complaint and motion to proceed *in forma pauperis*. The Subject District Judge entered an order dismissing the case without prejudice on the ground that Complainant failed to show he was entitled to proceed *in forma pauperis*. Complainant filed a motion to alter or amend the judgment, which the Subject District Judge denied.

### **Complaint**

Complainant states his Complaint is based on "systematic judicial misconduct by both judges, including undisclosed financial conflicts of interest, coordinated obstruction of constitutional rights, procedural manipulation, and violations of federal disqualification requirements." Complainant alleges the Subject District Judge was required to disqualify herself and had an undisclosed

financial conflict of interest because her husband is a partner at a law firm that, among other things, represents clients with matters before the defendant agency and has “[o]ngoing government contracts and agency relationships.” Complainant contends that, despite substantial evidence that the agency committed misconduct, the Subject District Judge “systematically protected the agency defendants through procedural manipulation while failing to disclose her family’s financial interest in maintaining positive relationships with these same agencies.”

Complainant asserts the Subject District Judge failed to disclose her husband’s involvement in the law firm and the firm’s relationship with certain agencies, refused to recuse despite a financial interest in the case, “made rulings protecting agencies that generate income for her family,” and violated canons of the Code of Conduct for United States Judges. Complainant further alleges the Subject District Judge “has a documented history of conflicts of interest related to her husband’s law firm partnerships,” stating that “similar concerns” were raised concerning her husband’s law firm and potential conflicts in an earlier case. He states, “This pattern demonstrates that the current conflict is not an isolated incident but part of an ongoing failure to properly disclose and recuse.”

Next, Complainant contends that the Subject District Judge set aside the Subject Magistrate Judge’s order granting his *in forma pauperis* motion “without providing any hearing, without allowing me to respond, and without citing any legal authority.” He states, “This reversal came immediately after I was reassigned to her from

[the Subject Magistrate Judge], suggesting coordination or retaliation,” and he contends the action violated “established procedures” and his constitutional rights.

Complainant contends the Subject District Judge entered an order granting him an extension of time to file an amended complaint that contained “logically and legally contradictory directives” and entered a “dismissive order” denying his motion for clarification. He states the orders and the administrative closure of the case created an “impossible legal situation,” and that the Subject District Judge provided “no legal justification for administratively closing a case while simultaneously imposing deadlines for filings.” He alleges the Subject District Judge’s actions constituted “manipulation,” created confusion, prevented him from effectively proceeding with the case, allowed her to assert the case was closed, protected the defendants from having to respond, and violated his due-process rights. He also states the Subject District Judge failed to provide him notice of the denial of his *in forma pauperis* motion, which violated statutory requirements, prejudiced his ability to respond in a timely manner, and demonstrated “deliberate obstruction of my access to courts.”

Complainant contends the Subject Magistrate Judge “repeatedly set response deadlines for defendants who had not been served, creating confusion and procedural irregularities.” He alleges these actions created a false appearance that the defendants had been notified, prejudiced him “by suggesting coordination with defendants before proper service,” violated the Federal Rules

of Civil Procedure, and “[c]ould enable defendants to prepare opposition without proper service having occurred.” Finally, he alleges the Subject Judges’ conduct undermined public confidence in the impartiality of the judiciary. He attached documents to his Complaint.

### **Supplements**

In the first supplemental filing, Complainant states he is submitting evidence proving that the Subject Judges “made objectively false findings” about the contents of his complaints to protect the defendants from being held accountable and to block his access to the courts. He specifically takes issue with statements that his complaint was “frivolous” and a shotgun pleading, his allegations were “sparse,” he did not identify what specific actions were taken by each defendant, and his allegations were too vague and conclusory to state a plausible claims. He asserts the Subject Judges coordinated with each other, blocked evidence of federal crimes, were biased in favor of a defendant, and became part of a criminal conspiracy. He also reiterates his allegations concerning a conflict of interest, and he attached documents to his supplemental filing.

In his second supplemental filing, Complainant reiterates his allegations and “provides updated information.” He alleges the Subject District Judge dismissed his case before the deadline she set to file an amended complaint, and he contends the deadline was “a pretextual deadline designed to create the appearance of fairness while ensuring dismissal regardless of compliance.” He states the Subject District Judge dismissed his complaint twenty days after he

filed a judicial complaint against her, “suggesting possible retaliation or an effort to moot the complaints by eliminating the underlying case.” He contends, “The pattern of conduct reveals a strategy to dismiss Complainant’s case before he could discover [the Subject District Judge’s] undisclosed conflict of interest.” He also takes issue with a seven-day deadline the Subject District Judge included in an order and asserts the order was not mailed to him. Finally, Complainant contends the timing of events establish that the Subject District Judge acted with an improper motive and “that the dismissal was motivated by the need to eliminate the case after Complainant discovered the undisclosed conflict of interest.” He seeks various types of relief.

In the third supplemental filing, Complainant reiterates his allegations and states there have been “[a]dditional acts of obstruction occurring after the original complaints were filed.” Complainant alleges, among other things, that the Subject District Judge used “incorrect financial figures,” mischaracterized a filing as untimely, denied a motion without time for meaningful review, and engaged in a “pattern of obstruction.”

### **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 Judges’ official actions, findings, rulings, and orders in the above-described cases, the allegations are directly related to the merits of the Subject Judges’ 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 Judges acted with an illicit or improper motive, were biased or otherwise not impartial, had a conflict of interest, retaliated against him, were part of a conspiracy, 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