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David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90235

ORDER

An individual has filed a Complaint against a United States bankruptcy 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 a supplement. The filing of the supplement is permitted. *See* 11th Cir. JCDR 6.7.

Background

The record establishes that Complainant filed a voluntary petition for Chapter 13 bankruptcy. An entity filed a motion to confirm that no stay was in effect and for relief from the stay to the extent Complainant resided in the property at issue. After a hearing at which Complainant did not appear, the Subject Judge granted the motion, found that certain property was not part of the

bankruptcy estate, and allowed the movant to file a judicial action to dispossess him from the property. Complainant then filed multiple motions seeking various types of relief and a notice of appeal. After a hearing, the Subject Judge entered an order denying multiple motions and stating that Complainant had withdrawn a motion to enforce the stay. There continues to be activity in the case.

The record also establishes that a company filed a voluntary petition for Chapter 11 bankruptcy, and the petition was signed by Complainant, who was listed as the debtor's owner and manager. The Subject Judge later entered an order dismissing the case on the grounds that the debtor failed to pay the filing fee and failed to obtain counsel to represent it. Complainant filed a motion to alter or amend the judgment, which the Subject Judge denied. Complainant then filed a notice of appeal.

Complaint

Complainant alleges the Subject Judge was biased, violated his due-process rights, and eroded public confidence in the judiciary. He contends the Subject Judge lacked the authority to authorize the sale of the main asset shared by both estates and backdated a certain order. He alleges the authorization of the sale violated the "Rooker-Feldman doctrine," disregarded a state-court judgment's "lack of foreclosure authorization," caused "catastrophic insolvency," and risked having the case dismissed under a certain statute.

Complainant alleges the Subject Judge deliberately delayed processing a notice of appeal he filed and obstructed appellate

review by misstating that a motion to vacate was a motion for reconsideration. He contends the Subject Judge erroneously found that he withdrew a motion to enforce the automatic stay, suppressed evidence, violated his due process rights by “redirect[ing] questions to prevent me from tendering two appraisals,” and “facilitated fraud on the court” by allowing a company to retain a payment without crediting the judgment.

Complainant alleges the Subject Judge manipulated the docket by instructing the clerk not to docket a motion for counsel and “docketed a retaliatory dismissal” the same day. He asserts that the Subject Judge’s designation of the petition in one case “fraudulently conflat[ed] separate entities,” violated a state statute, and caused “jurisdictional chaos.” He also alleges the Subject Judge violated the Code of Conduct for United States Judges by remaining silent while an attorney “engaged in coordinated mocking with the court reporter.” He states the Subject Judge’s actions “caused irreparable harm, including insolvency, eviction threats, and exacerbation of my mental illness, violating due process, the [Americans with Disabilities Act], and the Rooker-Feldman doctrine.”

Supplement

Complainant’s supplemental filing includes attachments that he states confirm the Subject Judge’s knowledge “about lack of hearing notice and ex parte hearing.” He reiterates certain allegations and contends that the Subject Judge acted with an improper motive to undervalue the sale of real property. Complainant also states that the Subject Judge “silenced” him at a hearing “causing

severe emotional distress” and exhibited “authoritative behavior” that prevented him from making arguments.

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 above-described 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, was biased or otherwise not impartial, treated him in a demonstrably egregious and hostile manner, 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