

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

DEC 03 2025

CONFIDENTIAL

David J. Smith
Clerk

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90244

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.

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 a federal grand jury returned an indictment charging Complainant and a codefendant with a crime. Complainant later pleaded guilty to the charge, and the Subject Judge sentenced him to a term of imprisonment. This Court affirmed.

Afterward, Complainant filed documents seeking clarification in connection with his sentence, and the Subject Judge entered orders construing the filings as petitions for a writ of habeas corpus. The Subject Judge later entered an order stating the court had received four documents titled “2255 Motion to Vacate Sentence” and directing the clerk to docket all four documents as a single motion to vacate, set aside, or correct sentence, 28 U.S.C. § 2255.

Complaint

Complainant alleges the Subject Judge was biased and prejudiced against him, abused her discretion and authority, and should have recused herself because she was simultaneously assigned to his case and a related case involving a cooperating witness he allegedly harmed. He contends the Subject Judge gave him certain sentencing enhancements but did not give his codefendant the same enhancements despite that they both had the same relevant conduct. Complainant also takes issue with the Subject Judge’s decision to construe certain filings. Finally, he alleges the Subject Judge gave the government “leverage” in the cases and violated the Code of Conduct for United States Judges.

Supplements

After he filed his Complaint, Complainant filed three supplements. In the first filing, Complainant reiterates his allegations, contends the Subject Judge “manipulat[ed] the judicial system” to “avoid[] her error with the sentence she imposed,” complains that she failed to respond to his requests for relief, and alleges she abused her position to keep him falsely imprisoned. In his second

filing, Complainant alleges the Subject Judge failed to mail him a certain order and “is trying to do anything to avoid addressing the merits to my petition.” He also alleges the Subject Judge conspired with the government to avoid addressing her alleged misconduct. In his third filing, Complainant contends he has not received documents from the court.

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 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, was biased or otherwise not impartial, had a conflict of interest, was 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