

DEC 05 2025

CONFIDENTIAL

David J. Smith  
Clerk

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90245

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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.

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

**Background**

The record establishes that Complainant filed a *pro se* civil complaint against a corporation and moved for temporary restraining order. A magistrate judge issued a report recommending that the motion for a temporary restraining order be denied, and over Complainant's objections, the Subject Judge adopted the report and recommendation. Complainant then filed multiple motions

seeking various types of relief, including a motion to recuse the Subject Judge. The Subject Judge entered an order denying the motion to recuse and other motions. After additional filings, the Subject Judge issued an order that granted the defendant's motion to compel arbitration, denied all other pending motions as moot, directed the parties to file a joint status report by a certain date, and administratively closed the case.

### **Complaint**

Complainant alleges the Subject Judge "took no action for months" in the case and engaged in "a sustained pattern of neglect of judicial duty, inconsistent procedural enforcement, and conduct creating the appearance of bias in favor of a corporate defendant." He contends the Subject Judge misapplied a local rule by striking a motion for failure to confer when no defense counsel had appeared and conferral was impossible, which "unfairly penalized the pro se plaintiff while providing de facto advantage to a non-appearing corporation."

Complainant alleges the Subject Judge ignored his motions for default, "contrary to the duty to adjudicate pending matters in a timely and impartial manner." He contends the Subject Judge failed to enforce his own temporary restraining order by failing to take action after the defendants failed to respond within the required time, which undermined his authority and "contradicts the principle that 'a court's duty is to enforce its own orders.'" Complainant asserts the Subject Judge contravened binding precedent

by compelling arbitration without entering a mandatory stay required by statute.

Complainant states the Subject Judge administratively closed the case and “inexplicably ordered” the parties to file a status report, which served “only to delay accountability” and effectively suspended the case indefinitely. He contends that, taken together, the Subject Judge’s actions created a “clear appearance of partiality and avoidance of review in violation of” Canon 2 of the Code of Conduct for United States Judges. Finally, he states, “These actions go beyond mere legal error—they constitute a systematic disregard of procedural law, statutory command, and judiciary responsibility, undermining confidence in the judiciary’s integrity.”

### **Supplements**

In the first supplemental filing, Complainant reiterates his allegations and further alleges the Subject Judge “avoided addressing the merits or reviewing any of the exhibits I submitted,” “ignored every exhibit, declaration, and argument I raised in opposition to the defendants’ motion to compel arbitration,” issued a boilerplate order falsely stating I had agreed to arbitration, without referencing or analyzing the evidence before him,” and ruled on motions while lacking jurisdiction. Complainant states the Subject Judge denied his motion to recuse with prejudice, which was “procedurally improper and demonstrates a defensive posture towards my filings.” Complainant states, “His treatment of my recusal motion underscores a clear hostility and lack of impartiality toward me as a pro se litigant.”

In his second supplemental filing, Complainant reiterates his allegations and takes issue with the Subject Judge’s order denying the motion to recuse, contending the Subject Judge “went beyond his judicial role” and “effectively rewrote the service record to favor the defendants.” Complainant states he was “given no leniency and was consistently treated as though my filings lacked value” and that every action the Subject Judge took “forced me onto the defensive and eroded confidence in the fairness of the proceeding.”

### **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.

Furthermore, Judicial-Conduct Rule 4(b)(2) provides that cognizable misconduct does not include “an allegation about delay

in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” The “Commentary on Rule 4” states that “a complaint of delay in a single case is excluded as 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, was biased or otherwise not impartial, knowingly made a false statement, violated the Code of Conduct for United States Judges, treated him in a demonstrably egregious and hostile manner, 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