

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

DEC 16 2025

CONFIDENTIAL

David J. Smith
Clerk

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-25-90254 and 11-25-90255

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.

Background

The record establishes that Complainant filed a petition for writ of habeas corpus. *See* 28 U.S.C. § 2241. The Subject Magistrate Judge issued a report recommending that the petition be dismissed without prejudice as moot because Complainant had received the relief he sought—transfer to a Residential Reentry Center. Over Complainant’s objections, the Subject District Judge adopted the report and recommendation.

Complaint

Complainant states that his Complaint “centers on deliberate delay of my habeas corpus petition, resulting in its dismissal as moot following my transfer to a Residential Reentry Center (RRC).” He contends that no substantive ruling was issued on his petition for almost one year, “well beyond the typical 120-day resolution window for § 2241 petitions.” He states the “delay appears timed to coincide with my transfer to RRC, thereby mooting the petition and avoiding adjudication on the merits.” He contends that “the unusual act of allowing exactly half of the time typically allotted for such a petition to be resolved was assigned toward the Respondent’s time limit to file his Response.”

Complainant asserts that the Subject Magistrate Judge recommended dismissal on exhaustion grounds despite clear evidence that his administrative remedies were unavailable or futile. He alleges the Subject Magistrate Judge ignored his complaints that counsel for the respondent was “playing games to delay the proceedings.” He contends the Subject District Judge adopted the report and recommendation “without addressing the timing or the impact of the delay on the petition’s viability.” Finally, he states he is not challenging the legal correctness of rulings, but is alleging misconduct in the form of “manipulation of judicial timing to evade review.”

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 Judges’ official actions, findings, rulings, report, recommendations, and orders in the above-described case, 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 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