

DEC 31 2025

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

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Judicial Complaint No. 11-25-90263

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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.

**Background**

The record establishes that Complainant filed a petition for writ of habeas corpus, 28 U.S.C. § 2254, challenging a state-court conviction and arguing that he was actually innocent. A magistrate judge issued a report recommending that Complainant’s petition be dismissed as untimely and found in part that he did not establish his actual innocence. Over Complainant’s objections, the Subject Judge adopted the report and recommendation. This Court denied Complainant a certificate of appealability. Years later, Complainant filed a motion for relief from judgment under Federal Rule of Civil

Procedure 60(b), in part on the ground that newly discovered evidence established that the state-court indictment was fraudulent and uncertified. The motion remains pending.

### **Complaint**

Complainant alleges that the Subject Judge admitted and relied on a fraudulent, uncertified indictment, disregarded “dispositive evidence of innocence,” erroneously applied the statute of limitations, and violated the Code of Conduct for United States Judges. Complainant also contends that the Subject Judge’s undue delay in ruling on his Rule 60(b) motion effectively denied him “meaningful access to habeas review.” He contends the Subject Judge abused his judicial power, engaged in conduct prejudicial to the administration of justice, and failed to perform his judicial duties fairly and promptly. He attached documents to his Complaint.

### **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 above-described 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, abused his judicial power, 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