

DEC 10 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-25-90264

ORDER

An individual has filed a Complaint against a United States circuit 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 in this Court a petition for writ of mandamus and a motion to proceed *in forma pauperis*. The Subject Judge issued an order denying the *in forma pauperis* motion on the ground that the petition was frivolous. Complainant then paid the fee, and the case remains pending.

Complaint

Complainant alleges the Subject Judge’s order denying his *in forma pauperis* motion “[w]ent beyond the statutory scope of 28

U.S.C. § 1915,” improperly reached the merits of the mandamus petition, characterized the petition as frivolous, and “[i]gnored the Court’s own earlier tolling order, which the mandamus petition sought to enforce.” Complainant contends the Subject Judge’s order “directly conflicts with the factual basis of” judicial-misconduct matters involving other judges, which “create[d] a structural contradiction with the Court’s own record.” He also states the order was issued during a period when this Court’s “handling of the tolling issue was already under supervisory review by the Supreme Court.” Complainant alleges the Subject Judge misused his judicial authority “to resolve matters outside the scope of an IFP review” and mischaracterized the “procedural record in a manner inconsistent with the Court’s own docket.”

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 orders denying his *in forma pauperis* motion, 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, misused his authority, 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