

JAN 16 2026

David J. Smith  
Clerk

CONFIDENTIAL

Before the Chief Judge of the  
Eleventh Judicial Circuit

---

Judicial Complaint No. 11-25-90279

---

**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 an individual filed a copyright-infringement action against multiple defendants, and the plaintiff later filed a second amended complaint. The defendants moved for summary judgment and to exclude Complainant as the plaintiff's expert witness. The Subject Judge entered an order granting the defendants' motions. The order described Complainant in part as a "Latin music producer," found that his background did not establish that he was qualified "to conduct the kind of forensic musicological analysis he attempts in this case," and determined that his

methodology was not reliable. This Court clerically dismissed the plaintiff's appeal for want of prosecution.

### **Complaint**

Complainant takes issue with the Subject Judge's order excluding him as an expert and granting the defendants' motion for summary judgment. He states his Complaint:

raises concerns under Canons 1, 2, and 3 of the Code of Conduct for United States Judges regarding:

1. Disparaging treatment and tone directed at the complainant as a witness;
2. Apparent cultural or credential-based bias;
3. Unequal application of evidentiary standards between experts;
4. Reliance on terminology and analytical concepts not found in copyright law but used by one party's retained expert; and
5. Failure to rule on a pending substantive motions expressly permitted by the Court.

He states that the concerns "relate to judicial conduct and the appearance of impartiality, not the merits of the Order."

Complainant contends the Subject Judge's order described him "in minimizing terms that did not reflect his record as a long-standing industry professional," and he complains that the Subject Judge referred to him as a "Latin music producer" while describing

the opposing expert in “significantly more deferential academic terms.” He contends that the discrepancy created an appearance that the Subject Judge did not treat him with dignity and respect, and created “the appearance that credibility may have been assessed through cultural or credential-based assumptions.”

Complainant contends the Subject Judge applied heightened scrutiny to him, while applying “materially different scrutiny” to the defendants’ expert. He asserts the Subject Judge did not assess the defendants’ expert’s practice of analyzing sound recordings, but extensively scrutinized and criticized his methodology, which created the appearance of partiality. He contends that the Subject Judge’s order adopted terms such as “musical prior art” and “musical building blocks,” which are “not recognized as analytical categories in academic musicology.” He states the terms appeared primarily in the opposing expert’s materials, and that the Subject Judge’s reliance on the defense’s expert created an appearance of undue influence.

Complainant alleges the Subject Judge failed to rule on a motion concerning the inclusion of three dismissed defendants “despite having invited such evidence.” He contends that leaving the matter unresolved raised concerns about the Subject Judge’s failure to promptly dispose of matters submitted for decision. Complainant states that he submitted evidence concerning the previously dismissed defendants, and the Subject Judge’s order “followed shortly thereafter and contained unusually critical language regarding the complainant.” He states he does not raise an allegation of

retaliation, but that the “sequence of events raises an appearance-based concern that the filing may have negatively influenced the Court’s treatment of the complainant.”

Finally, Complainant contends that he was mistreated during a deposition by the defendants’ counsel. He states, “Several of the disparaging themes expressed during the deposition reappear in the Court’s Order in the form of unnecessarily harsh and negative characterizations of the complainant.” He continues, “The adoption of such language by the Court creates the appearance that counsel’s adversarial posture may have influenced, consciously or unconsciously, the Court’s evaluation of the expert witness, rather than that evaluation being grounded in neutral and objective judicial assessment.”

### **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, was biased or otherwise not impartial, treated him in a demonstrably egregious and hostile manner, was unduly influenced, 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