

APR 3 2025

CIRCUIT EXECUTIVE

CONFIDENTIAL

Before the Judicial Council of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-24-90282, 11-24-90283, 11-25-90001,
and 11-25-90002

ORDER

Before: ROSENBAUM, NEWSOM, and BRANCH, Circuit
Judges; WALKER and BEAVERSTOCK, Chief District Judges.

Pursuant to 11th Cir. JCDR 18.3, this Judicial Council Review Panel has considered the materials described in JCDR 18(c)(2), including petitioner's complaint, the order of Chief United States Circuit Judge William H. Pryor Jr., and the petition for review filed by petitioner. No judge on this panel has requested that this matter be placed on the agenda of a meeting of the Judicial Council.

The Judicial Council Review Panel hereby AFFIRMS the disposition of this matter by Chief Judge Pryor. The petition for review is DENIED.

Done this 3rd day of April, 2025.

FOR THE JUDICIAL COUNCIL:

/s/ Robin S. Rosenbaum

United States Circuit Judge

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David J. Smith
Clerk

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ORDER

An individual has filed four Complaints against 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 an employment-discrimination complaint against one defendant, a motion to proceed *in forma pauperis*, and a motion for referral to a voluntary attorney program. The district judge referred the case to the Subject Judge for action on non-dispositive matters and a report and recommendation on any dispositive matter. Complainant filed, among other things, a motion to vacate the order referring the case, which the Subject Judge denied.

The Subject Judge then issued a report recommending that Complainant's *in forma pauperis* motion be granted and that his complaint be dismissed without prejudice for failure to exhaust administrative remedies. The Subject Judge also entered orders denying other motions Complainant had filed, including his motion for referral to a volunteer attorney program. The district judge later adopted the report and recommendation and dismissed the complaint without prejudice. Complainant filed a notice of appeal and a motion to proceed *in forma pauperis* on appeal. The Subject Judge denied the *in forma pauperis* motion on the ground that the appeal was frivolous.

The record also establishes that Complainant filed a civil-rights complaint against two defendants, a motion to proceed *in forma pauperis*, and a motion for referral to a volunteer attorney program. The district judge referred the case to the Subject Judge for action on non-dispositive matters and a report and recommendation on any dispositive matter. Complainant then filed, among other things, a motion to vacate the order referring the case, an amended complaint, and other amended motions.

The Subject Judge issued a report recommending that Complainant's *in forma pauperis* motion be granted and that his amended complaint be dismissed without prejudice for failure to state a claim. The Subject Judge also entered orders denying other motions Complainant had filed. Complainant filed a motion for change of venue, and the Subject Judge issued a report recommending that the motion be denied. The district judge adopted the

first report and recommendation and dismissed Complainant's amended complaint without prejudice. Complainant filed a notice of appeal and a motion to proceed *in forma pauperis* on appeal. The Subject Judge denied the *in forma pauperis* motion on the ground that the appeal was frivolous.

Complaints

Complainant takes issue with the Subject Judge's orders and reports and recommendations in the above-described cases. He alleges the Subject Judge acted illegally because he had not consented to have a magistrate judge act in the cases, discriminated against him and "target[ed]" him based on his disability, conspired against him with the district judge, attempted to "trigger" him to say something sanctionable, knowingly entered unlawful orders and reports, ignored authorities he cited, made false statements, and denied his motion for attorney because a "reasonable attorney would object to all of their knowingly illicit actions." Complainant also takes issue with the actions of other individuals, and he attached documents to his Complaints.

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 Complaints fail 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, rulings, findings, reports, recommendations, and orders in the above-described cases, 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, discriminated against him, was part of conspiracy, made false statements, or otherwise engaged in misconduct. Judicial-Conduct Rule 11(c)(1)(D). For these reasons, these Complaints are **DISMISSED**.

/s/ William H. Pryor Jr.
Chief Judge