

MAR 13 2026

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-26-90043

ORDER

An individual has filed a Complaint against a United States bankruptcy 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 a corporation filed a voluntary petition for Chapter 11 bankruptcy, and the Subject Judge later converted the matter to a Chapter 7 case. Complainant and other entities later filed an adversary complaint pertaining to events in the bankruptcy case. After a hearing, the Subject Judge entered an “Order Granting *Ore Tenus* Motion for Comfort Order ...” that authorized an attorney and his firm to disclose any and all communications with the debtor and Complainant.

Later, the Subject Judge entered a temporary restraining order that granted an *ex parte* motion filed by the defendants and counter-plaintiffs. The order stated that Complainant and others' history of litigation violated a state court preliminary injunction and had caused needless expense and burden. The order prohibited Complainant and any party working in concert with him from filing any claim against the opposing parties, their properties, members, or attorneys without first obtaining leave of court, including a new action in any state or federal court or an appeal in any state or federal court. The proceeding remains pending.

Complaint

Complainant states his Complaint "challenges the process and authority by which [the Subject Judge] entered an *ex parte* Temporary Restraining Order." He contends it was "legally improper" to issue the order nearly seven years after the bankruptcy case was filed, he was not provided notice or a hearing before the order was issued, the "scope and effect" of the order "go far beyond anything that can be characterized as a reasonable exercise of judicial authority," the order constituted an abuse of judicial power, it improperly "purports to exercise authority over active proceedings before a superior Article III federal appellate tribunal," and the Subject Judge issued the order despite previously stating that Complainant did not have standing in the case. Complainant further contends that the order violated his constitutional rights, did not comply with the relevant rules, was unenforceable due to its vagueness, violated the Anti-Injunction Act, effectively reversed a prior ruling without any change in circumstances or explanation,

had the practical effect of punishing his attorney for representing a “disfavored litigant,” and exceeded the scope of the relief that was requested. Complainant alleges the Subject Judge adopted the order as drafted by opposing counsel without any independent judicial analysis and signed the order without reading it. He contends the motion on which the order was based contained material misrepresentations and omissions and that the Subject Judge failed to analyze the factual representations in the motion.

Complainant alleges the Subject Judge’s misconduct in issuing the order was part of a “documented pattern.” He states that the timing of the “Comfort Order” suggests it was entered for an improper purpose, complains that he was not provided notice or an opportunity to be heard before the order was issued, and alleges that the Subject Judge backdated the order. He also alleges that the Subject Judge approved the transfer of real estate based on an unsigned settlement agreement and an unsigned and unauthorized stipulation. He states that the Subject Judge’s actions raise “serious questions about the impartiality of these proceedings under” canons of the Code of Conduct for United States Judges. 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.

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 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, was not impartial, 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