

JUN 26 2026

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint No. 11-26-90118

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 moved to vacate, set aside, or correct his sentence. 28 U.S.C. § 2255. The Subject Judge denied the motion and denied a certificate of appealability. Complainant filed a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e), and the Subject Judge denied the motion on the ground that Rule 59 did not allow him to seek alteration of the final judgment.

On appeal, Complainant filed a motion for a limited remand to allow the district court to determine whether to issue a

certificate of appealability about the denial of the Rule 59 motion. A judge of this Court entered an order holding the motion for a limited remand in abeyance pending Complainant's filing in this Court of a motion for a certificate of appealability.

The next day, the Subject Judge entered an order "on limited remand for the Court to 'address a COA as it relates to the striking of [Petitioner's] Rule 59 motion,'" which quoted the single-judge order of this Court. The Subject Judge vacated the previous order denying the motion to alter or amend, denied the motion on the merits, and denied Complainant a certificate of appealability. Complainant filed a notice of appeal, which this Court treated as an amended notice in his existing appeal. Complainant then filed another motion for a certificate of appealability in this Court. A judge of this Court denied the motion because Complainant failed to make a substantial showing of the denial of a constitutional right and denied his motion for a limited remand as moot.

Complaint

Complainant alleges the Subject Judge "used his position to conspire with other government employees to conceal his errors from the public and the circuit judges for the sake of his reputation," which constituted "an unacceptable abuse of authority." Complainant contends the Subject Judge committed a "fundamental error" by striking his Rule 59(e) motion. He states that due to "later highly aberrant actions ... that evince an intentional and coordinated effort between [the Subject Judge] and appellate court employees to subvert the judicial process, I have good reason to

believe that [the Subject Judge] was communicating with someone in” this Court. He states the communication “was conducted either directly or through an intermediary, it appeared to concern his motion for a limited remand, and the result was that the Subject Judge’s errors were not addressed by this Court.

Complainant takes issue with this Court’s order holding the motion for limited remand in abeyance on the ground that it “was not a reasonable solution for handling the limited remand issue,” and he asserts that it was irregular for the order to be filed on the district court’s docket. He alleges the Subject Judge used the order to facilitate “his plan to fabricate jurisdiction and resolve the issue of his failing to rule on a COA without the circuit court judges knowing of the error.” Complainant alleges the Subject Judge knowingly misled the public by stating in an order that he had jurisdiction under a limited remand and that he fabricated a quotation in the order.

Complainant also takes issue with this Court’s order denying his motion for a certificate of appealability because it failed to address the “jurisdictional issues” and was the result of the Subject Judge’s efforts to mislead this Court. He states the Subject Judge’s “actions portray the district court’s and [this Court’s] handling of my case as unfair and without regard to procedure and law, which prejudices the public’s perception of the justice system.” Complainant also states that the Subject Judge issued “harshly worded orders” and a threat of sanctions. 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 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 part of a conspiracy, abused 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