

SEP 05 2025

David J. Smith
Clerk

CONFIDENTIAL

Before the Chief Judge of the
Eleventh Judicial Circuit

Judicial Complaint Nos. 11-25-90156 and 11-25-90157

ORDER

An individual has filed a Complaint against a United States magistrate judge and 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 filed an employment-discrimination complaint and a motion to proceed *in forma pauperis*. The Subject Magistrate Judge entered an order granting the *in forma pauperis* motion and directing Complainant to file an amended complaint. Complainant filed an amended complaint, and the defendant filed a motion to dismiss. The Subject Magistrate Judge later issued a report recommending that the defendant's motion to dismiss be granted and that the amended complaint be

dismissed with prejudice. The Subject District Judge adopted the report and recommendation.

Complaint

Complainant alleges the Subject Magistrate Judge acted outside of her jurisdiction by issuing an order and “dispositive recommendation” without Complainant’s consent. She contends the Subject Magistrate Judge’s report and recommendation contained a factual inaccuracy concerning a date, which brought her “judicial diligence” into question. She alleges the Subject Magistrate Judge violated the Code of Conduct for United States Judges by failing to disqualify herself when her impartiality could reasonably be questioned.

Complainant alleges the Subject District Judge allowed the Subject Magistrate Judge to take dispositive action in the case without consent, and “[d]elegated dismissal of civil rights claim with prejudice without verifying consent, raising serious due process concerns.” She attached documents to her Complaint and included a USB drive that she states contains audio recordings “to support evidence.”

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 Judges’ official actions, findings, rulings, report, recommendations, and orders in the above-described case, the allegations are directly related to the merits of the Subject Judges’ 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 Judges acted with an illicit or improper motive, 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