

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. Nos. 03-23-90122, 03-23-90123

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IN RE: COMPLAINTS OF JUDICIAL MISCONDUCT  
OR DISABILITY

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ORIGINAL PROCEEDINGS UNDER 28 U.S.C. § 351

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MEMORANDUM OPINION

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(Filed: February 9, 2024)

PRESENT: CHAGARES, Chief Judge.

These complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against two United States Bankruptcy Judges (“Subject Judge I” and “Subject Judge II”). For the reasons discussed below, the complaints will be dismissed.

The Judicial Conduct and Disability Act provides a remedy if a federal judge “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.” 28 U.S.C. § 351(a). A chief judge may dismiss a complaint if, after review, he or she finds it is not cognizable under the statute, is directly related to the merits of a decision or procedural ruling, or is frivolous or lacks sufficient evidence to raise an inference of misconduct. 28 U.S.C. § 352(b)(1)(A)(i)-(iii).

Complainant has been involved for years in a state court property foreclosure proceeding, and he also is the pro se petitioner in a bankruptcy matter before Subject

Judge II. At the heart of these and numerous collateral proceedings is Complainant's thus far unsuccessful claim that certain mortgage documents were falsified and are therefore unenforceable against him.

Complainant has filed two voluminous complaints of judicial misconduct naming Subject Judges I and II.<sup>1</sup> Complainant repeatedly alleges that the Subject Judges improperly relied on the "forged and false" mortgage documents that are central to his many legal proceedings. Additionally, as to Subject Judge I specifically, Complainant alleges that Subject Judge I issued a ruling establishing a legal presumption against debtors, which Subject Judge II employed in ruling against Complainant. Complainant contends that this presumption is unfair and discriminatory. As to Subject Judge II, Complainant alleges, among other things, that Subject Judge II has engaged in an abusive pattern of behavior because she has ruled against him, has allowed the other parties in his case to engage in fraud, has "lie[d] or refuse[d] jurisdiction," and has improperly declined to recuse herself. Complainant further alleges that Subject Judge II discriminated against him and "always chose the attorney's words over [Complainant's] words without any discovery or explanation."

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<sup>1</sup> Complainant presents numerous allegations concerning individuals who are not federal judges, such as state court judges, a bankruptcy trustee, a state attorney general, banks and bank employees, attorneys, and many others. Individuals who are not federal judges are not covered by the Judicial Conduct and Disability Act, so allegations against them are not cognizable in this proceeding. See 28 U.S.C. §§ 351, 352(b)(1)(A)(i); Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings. The allegations concerning non-covered individuals therefore will not be addressed in this opinion.

It is apparent that the majority of Complainant's allegations question the correctness of the Subject Judges' rulings and are therefore merits-related. Merits-related allegations do not constitute cognizable misconduct. Rule 4(b)(1), Rules for Judicial-Conduct and Judicial-Disability Proceedings ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse."). This administrative proceeding does not afford Complainant an opportunity to seek substantive review of the merits of judicial decisions. "The misconduct procedure [under the Judicial Conduct and Disability Act] is not designed as a substitute for, or supplement to, appeals or motions for reconsideration. Nor is it designed to provide an avenue for collateral attacks or other challenges to judges' rulings." In re Memorandum of Decision of Judicial Conference Committee on Judicial Conduct and Disability, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008). All of Complainant's merits related allegations are thus subject to dismissal. See 28 U.S.C. § 352(b)(1)(A)(ii); Rules 4(b)(1), 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant's non-merits-related claims are devoid of evidentiary support. It is apparent that Complainant's allegations rest solely upon his disagreement with the merits of judicial rulings and are otherwise unsubstantiated. The record in Complainant's proceedings does not lend support to his claims of fraud, discrimination, abuse, or any other form of misconduct. These claims are therefore subject to dismissal as frivolous and unsupported by evidence that would raise an inference that misconduct has occurred. 28

U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant also alleges that both Subject Judges I and II suffer from a disability. He claims that Subject Judge I suffers from a “mental disorder” because he allegedly does not understand his role as a judge or “the governing laws” relevant to Complainant’s case, and is unqualified for judicial office. Complainant similarly alleges that Subject Judge II suffers from a cognitive impairment, “failed to understand her role,” and is unqualified. These claims stem from Complainant’s merits-related disagreements and nothing more. They will be dismissed as baseless and frivolous. 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Based on the foregoing, the complaints will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii). Given Complainant’s litigious history and the excessive length of the two misconduct complaints he has filed, Complainant is cautioned that future filing of repetitive, harassing, or frivolous misconduct complaints could result in the imposition of restrictions pursuant to Rule 10 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.<sup>2</sup>

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<sup>2</sup> Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings provides:

A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints. After giving the complainant an opportunity to show cause in writing why his or her right to file further complaints should not be limited, the judicial council may prohibit, restrict, or impose conditions on the complainant’s use of the complaint procedure. Upon

s/ Michael A. Chagares  
Chief Judge

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written request of the complainant, the judicial council may revise or withdraw any prohibition, restriction, or condition previously imposed.

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ORDER

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(Filed: February 9, 2024)

PRESENT: CHAGARES, Chief Judge.

On the basis of the foregoing opinion entered on this date, it is ORDERED AND ADJUDGED that the written complaints brought pursuant to 28 U.S.C. § 351 are hereby dismissed under 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii).

This order constitutes a final order under 28 U.S.C. § 352(c). Complainant is notified in accordance with Rules 11(g)(3) and 18, Rules for Judicial-Conduct and Judicial-Disability Proceedings, of the right to appeal this decision by the following procedure:

Rule 18(a) Petition. A complainant or subject judge may petition the Judicial Council of the Third Circuit for review.

Rule 18(b) Time. A petition for review must be filed in the Office of the Circuit Executive within **42 days** after the date of the chief judge's order.

18(b) Form. The petition should be in letter form, addressed to the Circuit Executive, and in an envelope marked "Misconduct Petition" or "Disability

Petition.” The name of the subject judge must not be shown on the envelope. The letter should be typewritten or otherwise legible. It should begin with “I hereby petition the judicial council for review of . . .” and state the reasons why the petition should be granted. It must be signed. There is no need to enclose a copy of the original complaint.

The full text of the Rules for Judicial-Conduct and Judicial-Disability Proceedings is available from the Office of the Circuit Executive and on the Court of Appeals’ internet site, [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov).

s/ Michael A. Chagares  
Chief Judge

Dated: February 9, 2024