

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-18-90139, 03-18-90140, 03-18-90141, 03-18-90142, 03-18-90143,
03-18-90144, 03-18-90145, 03-18-90146, 03-18-90147, 03-18-90148,
03-18-90149, 03-18-90150, 03-18-90151, 03-18-90152, 03-18-90153,
03-18-90154, 03-18-90155, 03-18-90156, 03-18-90157, 03-18-90158, 03-18-90159

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: July 16, 2018)

PRESENT: GREENAWAY, JR., *Circuit Judge*.¹

This is a complaint filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–64, against fifteen United States Circuit Judges (“Subject Judge I” through “Subject Judge XV”), four United States District Judges (“Subject Judge XVI” through “Subject Judge XIX”), and two United States Magistrate Judges (“Subject Judge XX” and “Subject Judge XXI”). For the reasons discussed below, the complaint 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

¹ Acting as Chief Judge pursuant to Rule 25(f), *Rules for Judicial-Conduct and Judicial-Disability Proceedings* (assigning the Chief Judge’s duties to the “most-senior active circuit judge not disqualified”).

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 is a frequent pro se litigant. She has been involved in a large number of protracted and contentious civil proceedings and related appeals, many of which concern a housing dispute with a condominium association. Due to her voluminous, vexatious, and repetitive filings, she is subject to an pre-filing injunction in at least one District Court.

In this complaint of judicial misconduct, Complainant alleges that, in the course of her numerous proceedings, all of the named Subject Judges violated federal law in various respects. Among other things, Complainant alleges that the Subject Judges issued rulings in conflict with the Federal Rules of Civil and Appellate Procedure, declined to enter default judgments in Complainant’s favor, improperly granted immunity to parties who did not seek immunity, and erroneously applied federal common law to state law claims. Complainant contends that these and other judicial actions demonstrate that the Subject Judges issued “lawless rulings,” “rigg[ed] my cases,” and “planned” to rule against her. Compl. 6–7. Complainant accuses the Subject Judges of participating in a “conspiracy . . . to obstruct justice” and argues that they “trespassed upon [her].” Compl. 7–8. In addition, Complainant expresses dissatisfaction with both the doctrine of judicial immunity and with the confidentiality requirements of the misconduct complaint

procedures. According to Complainant, such legal doctrines protect federal judges, making them like a “mafia” and “a secret society,” and she contends that “judges are protected by their own.” Compl. 4.

“An allegation that calls into question the correctness of a judge’s ruling, . . . without more, is merits-related.” Rule 3(h)(3)(A), *Rules for Judicial-Conduct and Judicial-Disability Proceedings*). It is apparent that the vast majority of Complainant’s allegations are merits-related, inasmuch as they seek to collaterally attack decisions and rulings rendered by the Subject Judges in the course of Complainant’s proceedings. Merits-related allegations do not constitute cognizable misconduct under the Judicial Conduct and Disability Act. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Rules 3(h)(3)(A), 11(c)(1)(B), *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. Indeed, Complainant has presented many of these same allegations in an appellate brief that is currently pending before the Court of Appeals. The “misconduct procedure [under the 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). Accordingly, all merits-related allegations will be dismissed.

Closely linked to her merits-related allegations are Complainant’s disagreements with legal principles, such as the statutory requirement that judicial misconduct proceedings be held confidential and the doctrine immunizing judges from civil liability

for their official duties. These allegations also are not cognizable in this proceeding, because a disagreement with existing legal principles simply does not meet the definition of judicial misconduct, *i.e.*, “conduct prejudicial to the effective and expeditious administration of the business of the courts.” Rule 3(h)(1), *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. To the extent Complainant wishes to challenge such legal principles, this administrative proceeding simply is not the appropriate forum.

Finally, Complainant’s remaining claims are unsubstantiated. There is no evidence supporting a claim that the twenty-one Subject Judges are involved in a vast conspiracy aimed to “rig” complainant’s cases, that they are members of a “mafia,” or, indeed, that any form of judicial misconduct has occurred. Complainant’s remaining allegations 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*.

Based on the foregoing, this complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii). In the past, Complainant filed two complaints of judicial misconduct naming five Subject Judges. *See* J.C. Nos. 03-16-90084–86, 03-17-90073–75. Complainant’s prior complaints, like the current complaint, were dismissed as non-cognizable, frivolous, and unsupported. Because it appears that Complainant is engaged in abuse of the complaint procedure, a copy of this Memorandum Opinion and Order will be transmitted to the Judicial Council to determine whether to issue an order to show cause why Complainant should not be enjoined from filing further complaints under the

Judicial Conduct and Disability Act. *See* Rule 10(a), *Rules for Judicial-Conduct and Judicial-Disability Proceedings*.²

s/ Joseph A. Greenaway, Jr.

Circuit Judge

² Rule 10(a) of the *Rules of Judicial-Conduct and Judicial-Disability Proceedings* provides:

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

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IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

ORDER

(Filed: July 16, 2018)

PRESENT: GREENAWAY, JR., *Circuit Judge*.¹

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

¹ Acting as Chief Judge pursuant to Rule 25(f), *Rules for Judicial-Conduct and Judicial-Disability Proceedings* (assigning the Chief Judge's duties to the "most-senior active circuit judge not disqualified").

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.

s/ Joseph A. Greenaway, Jr.
Circuit Judge

Dated: July 16, 2018