

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-18-90201

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: November 29, 2018)

PRESENT: SMITH, *Chief Judge*.

This is a complaint filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against a United States District Judge (the “Subject Judge”). A complaint under the Judicial Conduct and Disability Act may proceed only so long as the Subject Judge performs judicial duties. *See* Commentary to Rule 11, *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. Unfortunately, the Subject Judge passed away unexpectedly after this complaint was accepted for filing. Intervening events have thus rendered this complaint moot. *See* Rule 11(e), *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. Accordingly, the above-captioned proceeding will be concluded. *See* 28 U.S.C. § 352(b)(2) (the Chief Judge may conclude the proceeding if action on the complaint is no longer necessary because of intervening events).

s/ D. Brooks Smith
Chief Judge

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ORDER

(Filed: November 29, 2018)

PRESENT: SMITH, *Chief Judge*.

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)(2).

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.

s/ D. Brooks Smith

Chief Judge

Dated: November 29, 2018