

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-20-90050 through J.C. No. 03-20-90075

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: November 16, 2020)

PRESENT: SMITH, *Chief Judge*.

The present matter concerns twenty-six complaints that were filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against Circuit and District judges who were all appointed by the same United States President. 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).¹

¹ Complainant attaches documents which make allegations concerning the putative actions of individuals who are not federal judges. Complainant’s allegations about these other

The present complaints consist of complaint forms for each Subject Judge and copies of documents from an unsuccessful lawsuit filed by another individual against a former United States President and presidential candidate, among others, as well as various attachments. The documents are difficult to understand and contain few, if any, allegations regarding the conduct of the Subject Judges themselves. Although far from clear, it appears that Complainant seeks to attack the legitimacy of the presidency of the United States President who appointed the Subject Judges. The attached documents, however, are largely nonsensical and provide absolutely no evidence of any judicial misconduct. Accordingly, the complaints are all subject to dismissal as frivolous and unsupported by any 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)(i) and (iii). Due to the frivolous nature of the foregoing complaints, and in view of the large number of complaints filed, Complainant is hereby cautioned under Rule

individuals cannot be addressed in this matter because the Judicial Conduct and Disability Act does not apply to them. 28 U.S.C. § 352(b)(1)(A)(i); Rule 1(a), *Rules for Judicial-Conduct and Judicial-Disability Proceedings*.

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

s/ D. Brooks Smith

Chief Judge

² Rule 10(a) of the *Rules for 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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ORDER

(Filed: November 16, 2020)

PRESENT: SMITH, *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) 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.

s/ D. Brooks Smith

Chief Judge

Dated: November 16, 2020