

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-24-90030 through 03-24-90046

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: July 9, 2024)

PRESENT: CHAGARES, Chief Judge.¹

This complaint is filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against multiple Circuit and District Court Judges (hereinafter “Subject Judges”). 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 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). A complaint

¹ Acting pursuant to Rule 25(g) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings which allows the Judicial Council to vote that it is “necessary, appropriate, and in the interest of sound judicial administration that one or more subject judges be eligible to act”

proceeding may also be concluded “if the chief judge finds that . . . action on the complaint is no longer necessary because of intervening events.” 28 U.S.C. § 352(b)(2).

Complainant complains about rulings in multiple underlying civil suits related to an insurance matter and putative election fraud. He also complains about the refusal to accept his “report of treason” for filing.² Complainant further appears to seek payment for the research he conducted in support of his fraud allegations and a stay of mortgage foreclosure proceedings.

These claims reflect that Complainant seeks to challenge the validity of the Subject Judges’ rulings, including orders dismissing his lawsuits, an appellate summary affirmance, and the denial of a motion for rehearing en banc. Such allegations are merits-related and do not constitute cognizable misconduct in judicial misconduct proceedings. See 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.”). Further, “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). Complainant’s allegations are thus

² Complainant makes allegations concerning defendants, attorneys, and various government agencies, among others. Allegations regarding individuals and entities that are not covered federal judges cannot be addressed in the present proceeding. Rule 1(b), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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.³

To the extent that any of Complainant's contentions in the misconduct complaint do not qualify as merits-based challenges, the allegations of misconduct are subject to dismissal as frivolous and unsupported by evidence that would raise an inference that misconduct has occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant provided no evidence of improper conduct by the Subject Judges other than speculation and disagreement with judicial decisions.

In view of the large number of Subject Judges named by Complainant, and his frivolous and merits-related allegations, Complainant's attention is directed to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.⁴

³ This complaint proceeding is concluded with respect to one Subject Judge pursuant to 28 U.S.C. § 352(b)(2). See also Rule 11(e) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (addressing concluding proceedings due to intervening events rendering allegations moot).

⁴ Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings, states:

- (a) **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.

Based on the foregoing, this complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii) and concluded pursuant to 28 U.S.C. § 352(b)(2).

s/ Michael A. Chagares
Chief Judge

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ORDER

(Filed: July 9, 2024)

PRESENT: CHAGARES, Chief 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) and concluded pursuant to 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:

¹Acting pursuant to Rule 25(g) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings which allows the Judicial Council to vote that it is “necessary, appropriate, and in the interest of sound judicial administration that one or more subject judges be eligible to act”

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/ Michael A. Chagares
Chief Judge

Dated: July 9, 2024