

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. Nos. 03-24-90049, 03-24-90052, 03-24-90053, 03-24-90054,  
03-24-90055, 03-24-90056, 03-24-90057, 03-24-90063

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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: June 10, 2024)

PRESENT: CHAGARES, Chief Judge.

These five complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against two United States District Judges (“Subject Judge I” and “Subject Judge II”), one United States Magistrate Judge (“Subject Judge III”), and four United States Circuit Judges (“Subject Judge IV” through “Subject Judge VII”).<sup>1</sup> 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,

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<sup>1</sup> Complainant also presents allegations concerning the conduct of numerous individuals who are not federal judges, including court employees, lawyers, former co-workers, and many others. Such individuals 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 will not be addressed in this opinion.

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, a frequent pro se litigant in multiple courts, has filed five complaints of judicial misconduct naming seven judges of three different federal courts. The first complaint concerns two civil actions that Subject Judge I dismissed as frivolous and for failure to state a claim. In it, Complainant expresses her disagreement with Subject Judge I's rulings. She alleges that Subject Judge I wrongly denied her legal representation, dismissed her claims in a manner "which was insulting and not correct," improperly referred to her claims as "beliefs," failed to seal her case, and "allowed [Complainant] to be discriminated and harassed" by declining to award her relief.

Complainant's second complaint alleges that Subject Judges I, IV, V, and VI discriminated against her in unidentified matters "by helping undeserving" individuals of other races, genders, ethnicities, and orientations and by "neglecting to compensate [her] correctly for the damages that were caused by the defendants in [her] pending lawsuit, which was not fair to [Complainant]."

The third judicial misconduct complaint names Subject Judges I, II, III, VI, and VII and concerns a civil matter assigned to Subject Judges II and II. Complainant alleges that Subject Judges II and III improperly denied her counsel and in forma pauperis ("IFP") status. She further alleges that all named judges "are not taking [Complainant's] claims/complaints/lawsuits seriously, which is not fair to [Complainant]" and that

Complainant “should be compensated correctly by the courts for the pain, suffering, damage, financial harm that the defendants and courts have caused [Complainant].”

Complainant’s fourth complaint also names Subject Judges II and III and identifies two closed civil matters. Complainant disagrees with many aspects of those closed cases, alleging that the Subject Judges “denied [Complainant] any legal rights,” erroneously declined to appoint counsel, “delayed [her] cases for an extended period,” declined to award Complainant compensation, failed to consolidate her cases as requested, and erroneously determined that her complaints were frivolous or malicious or failed to state a claim. Complainant further argues that Subject Judge II improperly denied her IFP motion; she states that she is indigent and that Subject Judge II made “incorrect/false statements” in concluding otherwise. Complainant repeats that she has been treated unfairly in comparison to “undeserving minorities” and claims that Subject Judges II and III “invaded [her] privacy rights” and “caused [her] to be harassed, assaulted, threatened, and retaliated against” by various individuals.

Complainant’s fifth complaint again names Subject Judge I and concerns an appeal of a judgment entered by Subject Judge I that was appealed to a panel including Subject Judges IV and V. The panel affirmed the judgment. In the complaint, Complainant alleges that Subject Judge I “engaged in judicial misconduct and acted unethically by denying [her] professional legal representation and dismissing [her] civil action lawsuit.” Among other things, Complainant alleges that Subject Judge I violated her constitutional rights, withheld compensation, permitted discrimination against her, improperly dismissed

her complaint, insulted her by calling her claims baseless, frivolous, and delusional, and retaliated against her.

Most of Complainant's allegations reflect a fundamental disagreement with the rulings rendered in her civil actions. Complainant disputes, among other things, the publicly available nature of her court documents, the rulings denying IFP status, the need to pay court fees, decisions not to appoint counsel and not to consolidate cases, purported delay in her civil proceedings, and the judgments entered against her. Complainant's efforts to collaterally challenge these decisions and procedural rulings are merits related and 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."); Rule 4(b)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings ("Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases."). Merits-related allegations are 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.

The records in Complainant's proceedings have been carefully reviewed. It is apparent that Complainant's proceedings have not been unduly delayed, the language of the written opinions entered in Complainant's cases is not personally insulting or inappropriate, and there is no evidence of discrimination against her. Additionally,

although Complainant alleges that the Subject Judges caused her to be harassed and abused, such claims are entirely unsubstantiated. In sum, there is no evidence to support any claims of judicial misconduct. Complainant's allegations, to the extent they are cognizable, are thus 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). Complainant previously filed a complaint naming Subject Judges I and II that was dismissed as merits-related and unsupported. See J.C. Nos. 03-23-90068, 03-23-90069. Complainant has repeated some of the same allegations in the instant complaints. Complainant is strongly cautioned that continued 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 written request of the complainant, the judicial council may revise or withdraw any prohibition, restriction, or condition previously imposed.

s/ Michael A. Chagares  
Chief Judge

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ORDER

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(Filed: June 10, 2024)

PRESENT: CHAGARES, Chief Judge.

On the basis of the foregoing opinion entered on this date, it is ORDERED AND ADJUDGED that the five written complaints brought pursuant to 28 U.S.C. § 351 are 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:

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: June 10, 2024