

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. Nos. 03-24-90058, 03-24-90059, 03-24-90060

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IN RE: COMPLAINT 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: July 23, 2024)

PRESENT: CHAGARES, Chief Judge.

This complaint is filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against two United States Magistrate Judges (Subject Judges I and II) and a United States District Judge (Subject Judge III). For the following reasons, the complaint will be dismissed.<sup>1</sup>

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

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<sup>1</sup> Complainant has filed four prior judicial misconduct complaints over the course of the past twenty years. See J.C. Nos. 91-34, 03-11-90045, 03-17-90106, and 03-23-90134. Those complaints were determined to be merits-related, unsubstantiated, and frivolous.

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).

This complaint of judicial misconduct concerns Complainant's underlying federal civil suit against a storage service. In the civil suit, Subject Judge II entered multiple orders administratively terminating Complainant's attempts to seek discovery from defendant prior to proper service of her complaint. More than a year ago, Subject Judge III entered an order dismissing Complainant's complaint without prejudice because Complainant failed to move for default within the time frame established by the Court. Complainant did not seek to reopen the case and did not appeal.

In the present complaint of judicial misconduct, Complainant states that she should have had the opportunity to seek mediation through a program supervised by Subject Judge I, but that Subject Judge II and III somehow created a "conflict of interest." Complainant also argues that Subject Judge III should be recused, challenges jurisdiction, and claims that ex parte hearings occurred. In addition, Complainant alleges that Subject Judge II is helping the defendants and Subject Judge III has an "alter ego" attorney with access to Complainant's personal and financial information.

Complainant's allegations primarily question the correctness of underlying rulings in her civil suit and are, therefore, merits-related. Merits-related allegations 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.”). This judicial misconduct proceeding does not afford Complainant an opportunity to seek substantive review of the merits of judicial decisions. “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). All of Complainant’s merits-related allegations are thus 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.

To the extent that Complainant raises claims that are not merits-based, these claims are likewise subject to dismissal. Complainant provides no evidence that any improper hearings occurred, that defendants were provided inappropriate assistance, or that Complainant’s personal information is being improperly accessed or used by Subject Judge III. The record has been reviewed, moreover, and it reveals no judicial misconduct on the part of Subject Judges I, II, and III. 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.

Given the frivolous and merits-related nature of Complainant's current and prior allegations, her attention is directed to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.<sup>2</sup>

Accordingly, the complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii).

s/ Michael A. Chagares  
Chief Judge

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<sup>2</sup> 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.

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ORDER

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(Filed: July 23, 2024)

PRESENT: CHAGARES, 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)(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: July 23, 2024