

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-24-90084

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: November 6, 2024)

PRESENT: CHAGARES, Chief Judge.

This complaint is filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against a United States District Judge (“Subject Judge”). 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).

This submission was filed on this Court’s form as a complaint of judicial misconduct or disability naming the Subject Judge. In substance, however, the submission does not present allegations of judicial misconduct or disability on the part of

the Subject Judge. Complainant instead makes a “plea for addressing and administrative claims” and requests that federal courts provide various services and supports for mentally disabled and impoverished litigants.

Complainant alleges, for instance, that federal courts “have excluded and failed to provide” adequate access for persons with mental disabilities, such as “legal aid in the form of public attorneys and lawyers or interpreting, advisory and general assistance[] in case determination, preparation and thr[ough] trial.” Complainant further seeks assistance for impoverished litigants, including access to public computers to conduct free docket searches and assistance with the costs associated with conducting depositions. Complaint claims that these alleged inadequacies in the legal system have allowed mentally disabled and impoverished individuals to be victimized and preyed upon. Complainant requests information about where to direct his administrative concerns and suggests that a failure to address these concerns may result in a violation of Complainant’s statutory and constitutional rights.

Because this complaint presents no allegations of misconduct or disability as to the Subject Judge, it is 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. While it is admirable that Complainant wishes to pursue services and supports for those with financial and mental health difficulties, this administrative proceeding is limited to

considering claims of judicial misconduct or disability and is not the correct forum for considering Complainant's concerns.

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

s/ Michael A. Chagares
Chief Judge

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ORDER

(Filed: November 6, 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)(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/ Michael A. Chagares
Chief Judge

Dated: November 6, 2024