

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. Nos. 03-24-90116, 03-24-90117

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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: January 17, 2025)

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 District Judges (“Subject Judge I” and “Subject Judge II”). 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).

Complainant filed a lengthy pro se civil complaint titled “Claim of trespass in a court of record at common law jurisdiction,” naming a state court judge, a large corporation, a union, and numerous other defendants. The matter briefly was assigned to

Subject Judge I, but Subject Judge I recused before issuing any substantive rulings and the matter was reassigned to Subject Judge II. Subject Judge II dismissed the complaint for failure to state a claim and ordered that the case be closed. Complainant later moved for a default judgment. Subject Judge II dismissed the motion because no action was pending. Complainant did not appeal, and the matter remains closed.

Complainant alleges in this complaint of judicial misconduct that Subject Judges I and II “unlawful[ly]” dismissed his civil complaint although they “were well aware” of its merits. Complainant further alleges, among other things, that Subject Judge I “commit[ted] unlawful acts to prejudice [his] claim” and that Subject Judge II committed treason, conspired against Complainant, obstructed justice, and engaged in contempt of court. Complainant demands that the Subject Judges “never be allowed to participate in any judicial capacity ever again for the trespass of fraud, obstruction of justice, conspiracy and crimes they have committed against [him].”<sup>1</sup>

It is apparent that Complainant disputes the dismissal of his civil complaint and related judicial rulings. These are merits-related allegations, which 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

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<sup>1</sup> This complaint of misconduct also includes allegations concerning state court judges, court employees, and others. Yet Individuals who are not federal judges are not subject to the Judicial Conduct and Disability Act. See 28 U.S.C. § 351(d); Rule 1(b), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Allegations non-covered individuals therefore will not be addressed in this opinion. See 28 U.S.C. §§ 351, 352(b)(1)(A)(i).

question the correctness of a judge’s ruling, including a failure to recuse.”). Complainant did not appeal that judgment of dismissal, and this administrative proceeding does not provide an alternative path to substantive review of that judicial decision. “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 merits-related allegations are therefore 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.

Complainant’s remaining non-merits-related allegations, such as prejudice, fraud, and criminal conduct, are entirely unsupported. The record in Complainant’s civil proceeding does not provide evidence to substantiate a claim that the Subject Judges engaged in any form 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)(i), (ii), and (iii).

s/ Michael A. Chagares  
Chief Judge

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ORDER

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(Filed: January 17, 2025)

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)(i), (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: January 17, 2025