

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-24-90118, 03-24-90119, 03-24-90120,
03-24-90121, 03-24-90122, 03-24-90123,
03-24-90124, 03-24-90125, 03-24-90126

IN RE: COMPLAINTS OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: January 24, 2025)

PRESENT: CHAGARES, Chief Judge.

These three 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”), a United States Magistrate Judge (“Subject Judge III”), and three United States Circuit Judges (“Subject Judge IV,” “Subject Judge V,” and “Subject Judge VI”).¹ 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

¹ Complainant also named a retired Magistrate Judge as a Subject Judge. Complainant was advised that complaints of misconduct may only be accepted for filing against judges currently holding an office described in Rule 1(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complaint was not accepted for filing as to the retired judge. See Rule 8(c), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The allegations against the retired judge therefore will not be considered in this opinion.

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 pro se civil complaint naming numerous federal, state, and local officials, claiming that the government agents have caused him severe physical injuries and have subjected him to illegal wiretapping. The matter initially was assigned to Subject Judge I, but was reassigned to Subject Judge II shortly thereafter and then was referred to Subject Judge III. Subject Judge II screened the complaint under 28 U.S.C. § 1915 and dismissed it without prejudice for failure to state a claim, permitting Complainant thirty days to amend. Complainant did not amend the complaint and instead appealed. A panel of the Court of Appeals comprised of Subject Judges IV, V, and VI affirmed the judgment.

Complainant then filed these three complaints of judicial misconduct. The first complaint alleges that Subject Judges I, II, and III engaged in obstruction of justice and made decisions that “were illogical, irrational and illegal” in response to the “countless photos, documents and evidence” that Complainant filed in support of his complaint. The second and third complaints allege that Subject Judges IV, V, and VI acted in a manner that was “illogical, irrational and illegal” by affirming Subject Judge II’s order of dismissal, and further alleges that they are impaired due to “old-age (senility).”

Complainant also accuses all six Subject Judges of racial profiling and criminal negligence, and he seeks their impeachment.

Complainant clearly is attempting to challenge the dismissal of his complaint and its affirmance on appeal. Such allegations 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.”). This administrative proceeding does not provide an opportunity for review of the merits of judicial rulings. “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 non-merits-related allegations are entirely unsubstantiated. There is no evidence in the record to support Complainant’s allegations of racial profiling, criminal negligence, obstruction of justice, mental impairment, or any other form of misconduct or disability. Complainant’s remaining claims 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.

Based on the foregoing, these complaints will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii). Because Complainant filed three merits-related, unsubstantiated, and frivolous complaints, Complainant is cautioned that the continued filing of repetitive, harassing, or frivolous misconduct complaints may result in the imposition of restrictions pursuant to Rule 10 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.²

s/ Michael A. Chagares
Chief Judge

² 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.

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ORDER

(Filed: January 24, 2025)

PRESENT: CHAGARES, Chief Judge.

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

s/ Michael A. Chagares
Chief Judge

Dated: January 24, 2025