

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-24-90144, 03-24-90145, 03-24-90146,
03-24-90152, 03-24-90153, 03-25-90005,
03-25-90006, 03-25-90007, 03-25-90009,
03-25-90010, 03-25-90017

IN RE: COMPLAINTS OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: February 13, 2025)

PRESENT: CHAGARES, Chief Judge.

These eleven complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against five United States District Judges (“Subject Judge I” through “Subject Judge V”) and four United States Magistrate Judges (“Subject Judge VI” through “Subject Judge IX”). 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, 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 is a prolific pro se litigant who has been involved in proceedings before the nine Subject Judges. Complainant typically files a large number of letters, motions, and other documents in each of his pending proceedings.

Complainant has filed eleven separate complaints of judicial misconduct.¹ Broadly, the misconduct complaints identify adverse rulings rendered in Complainant's cases and alleges that the decisions reflect bias and corruption. A more detailed summary of each complaint follows.

Complaint One: Complainant filed a civil rights action that is pending before Subject Judge III and has been referred to Subject Judge VI. Subject Judge VI denied without prejudice two motions to compel discovery on grounds that discovery is being held in abeyance pending resolution of the defendant's motion to dismiss the complaint. The motion to dismiss remains pending. Complainant alleges in this complaint of misconduct that Subject Judge VI has "denied constantly motions of Plaintiff." Complainant views this as a sign of "corruption in this court system."

Complaint Two: Complainant filed a civil rights action that is pending before a District Judge who is not named as a Subject Judge, which was referred to Subject Judge VIII. Subject Judge VIII denied two motions to compel as deficient for failing to specify the discovery at issue or the information sought. Subject Judge VIII also noted that

¹ Complainant also filed supplements to a number of the complaints. The supplements were not sworn under penalty of perjury and therefore were reviewed under Rule 5 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Because the supplements do not set forth reasonable grounds for inquiry into whether misconduct has occurred, no complaints will be identified based on the unsworn supplements. See Rule 5(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant had filed identical documents in other matters, leading Subject Judge VIII to conclude that Complainant had submitted form filings that did not describe legitimate discovery disputes. This complaint of misconduct does not include a statement of facts on which the complaint is based, and instead merely states that Complainant “attached multiple cases of denied motions and drawing conflict to opposing party.”

Complaint Three: This complaint of misconduct concerns a standing order issued by Subject Judge I concerning the filing of court documents by pro se litigants. Complainant alleges that the standing order reflects bias against pro se litigants and that corruption in the court system has caused his pro se cases to be treated unfairly.

Complaint Four: Complainant filed this civil rights action against a municipality, a judge, and a prosecutor. The matter was assigned to Subject Judge II and was referred to Subject Judge VI. Subject Judge VI later recused and the matter was referred to a different Magistrate Judge. The defendants’ motion to dismiss the complaint is pending. In this complaint of misconduct, Complainant alleges that Subject Judge II “denied my constantly motions [sic] . . . without a hearing or a trial.” Complainant further alleges that “there is corruption in this court system that needs to be addressed and they need to treat my case fairly along with my other cases. . . .”

Complaint Five: Complainant filed this civil rights action against a corporation. The matter was assigned to a presiding District Judge who was not named as a Subject Judge, and it was referred to Subject Judge VIII. Complainant has filed several motions that remain pending, including a motion for Subject Judge VIII’s recusal, a motion for

judgment, and a motion to compel discovery. In this complaint of misconduct, Complainant alleges that Subject Judge VIII “denied several motions including the one . . . attached to [this] complaint.” The attached order by Subject Judge VIII terminates a motion for a default judgment and directs the defendant to respond to the complaint.

Complaint Six: This employment discrimination suit was assigned to Subject Judge V. After being referred to two other Magistrate Judges, the case was referred to Subject Judge VII. A number of motions are pending, including a motion for judgment and a motion “to request punishment.” In this complaint of judicial misconduct, Complainant alleges that Subject Judge VII worked for a private law firm before becoming a Magistrate Judge, and the law firm represented a different defendant in one of Complainant’s prior civil cases. Complainant alleges that Subject Judge VII “is given information by [the law firm] to tarnish [Complainant’s] other previous cases in the district court.” Complainant further alleges that this purported conflict of interest has caused Subject Judge to “den[y] all motions” and to have “influence” over the defendant in Complainant’s proceeding.

Complaint Seven: This employment discrimination suit was assigned to Subject Judge III and was referred to a Magistrate Judge who is not named as a Subject Judge. Subject Judge III entered a stipulated order of dismissal signed by all parties. Complainant later moved to reinstate the case and sought summary judgment. Subject Judge III has not yet ruled on Complainant’s motions. Complainant alleges in this

misconduct complaint that Subject Judge III is biased, “influenced the outcome of the case unfairly,” and improperly ruled against Complainant.

Complaint Eight: This complaint concerns the same proceeding as Complaint Five. In it, Complainant accuses Subject Judge VIII of being biased and alleges that Subject Judge VIII’s actions “were improper and affected the outcome of the case.”

Complaint Nine: Complainant filed two civil proceedings that were assigned to Subject Judge IV. Subject Judge IV stayed the first matter pending arbitration and, later, dismissed the matter with the parties’ consent. The second matter was originally assigned to Subject Judge IV but was recently reassigned to Subject Judge III. It remains pending. Complainant alleges that “issues are spreading throughout the court.” Complainant further alleges that the purported conflict of interest arising from Subject Judge VII’s former employment at a law firm has caused Subject Judge VII to “tarnish [Complainant’s] cases” and “corrupt[] other judges.”

Complaint Ten: This complaint concerns to the same proceeding referenced in Complaint Nine. As in Complaint Nine, Complainant alleges that the purported conflict of interest arising from Subject Judge VII’s former employment at a law firm has caused Subject Judge VII to “tarnish [Complainant’s] cases” and “corrupt[] other judges.”

Complaint Eleven: This complaint concerns the same proceeding described in Complaint Six and names Subject Judge V. Complainant alleges that the “corruption” of Subject Judge VII is “spreading throughout the court.”

It is apparent that Complainant's misconduct complaints attempt to challenge adverse rulings rendered by the Subject Judges in the course of Complainant's many pro se civil proceedings. All 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 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). 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 claims that a conflict of interest exists because Subject Judge VII allegedly worked in the past for a law firm that represented a defendant in a separate proceeding involving Complainant. Complainant does not, however, allege that Subject Judge VII represented a party in the case pending before her or that Subject Judge VII was personally involved in any of Complainant's prior litigation. Under these circumstances, even assuming that the allegation is true, Subject Judge VII's alleged past employment

does not give rise to a situation in which Subject Judge VII's impartiality might reasonably be questioned. See, e.g., Canon 3(C)(1)(d), Code of Conduct for United States Judges (requiring disqualification where "the judge or the judge's spouse, or a person related to either within the third degree of relationship" is a party to the proceeding).² Additionally, Subject Judge VII's past employment does not reasonably give rise to evidence that any other Subject Judge is "corrupt" or "tarnished." Complainant's allegations concerning Subject Judge VII's past employment are therefore subject to dismissal because, even if true, they do not constitute conduct prejudicial to the effective and expeditious administration of the business of the courts, and because the allegations are 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)(A), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant's remaining allegations are unsubstantiated. There is no evidence in the record to support Complainant's allegations of bias against pro se litigants, judicial corruption, or any other form of judicial misconduct. Any 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.

² The Code of Conduct for United States Judges is designed to provide guidance to judges but is not a set of disciplinary rules. "While the Code's Canons are instructive, ultimately the responsibility for determining what constitutes cognizable misconduct is determined by the Act and these Rules, as interpreted and applied by judicial councils, subject to review and limitations prescribed by the Act and these Rules." Commentary on Rule 4, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Based on the foregoing, these eleven complaints will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii). As discussed, Complainant has filed eleven separate merits-related, unsubstantiated, and frivolous complaints naming nine federal judges. Complainant is strongly cautioned that the continued filing of repetitive, harassing, or frivolous misconduct complaints can result in the imposition of restrictions pursuant to Rule 10 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.³

s/ Michael A. Chagares
Chief Judge

³ 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: February 13, 2025)

PRESENT: CHAGARES, Chief Judge.

On the basis of the foregoing opinion entered on this date, it is ORDERED AND ADJUDGED that the eleven 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.

s/ Michael A. Chagares
Chief Judge

Dated: February 13, 2025