

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90011, 03-25-90012, 03-25-90013,
03-25-90014, 03-25-90015, 03-25-90016

IN RE: COMPLAINTS OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: March 17, 2025)

PRESENT: CHAGARES, Chief Judge.

These complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against six United States District Judges (“Subject Judge I” through “Subject Judge VI”). 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 filed numerous civil cases concerning a state court child support matter. One such case was assigned to Subject

Judge IV, who granted Complainant's motion to proceed in forma pauperis ("IFP"). That case remains pending. Four other cases, which were assigned to Subject Judges I, II, and V (and two of which name Subject Judges III and VI as defendants), were dismissed without prejudice for failure to prosecute when Complainant did not respond to orders directing Complainant to either pay the filing fee or file an IFP motion.

Complainant has filed several complaints of judicial misconduct. Although they are not entirely clear, they are substantially similar and appear to express frustration with decisions by Subject Judges I, II, and V to dismiss complaints for failure to prosecute rather than grant Complainant IFP status as Subject Judge IV did. Complainant alleges, for instance, that Subject Judges II, III, V and VI "are making false documented claims about [Complainant]," are "refusing to look at the proven evidence," and are "detering [Complainant] from having [his] day in federal court" because the Subject Judges have not granted Complainant permission to proceed IFP.¹ Complainant further alleges that Subject Judge I "has been refusing [Complainant's] evidence," has violated Complainant's constitutional rights, and is "personally responsible" for "[r]efusing to declare in [Complainant's] favor."

Complainant's efforts to challenge the dismissal of his complaints 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

¹ Complainant does not explain how Subject Judges III and VI contributed to this alleged misconduct, as they are named as defendants in Complainant's civil actions and are not presiding over the cases Complainant has identified.

allegation that calls into question the correctness of a judge's ruling, including a failure to recuse."'). Merits-related allegations are 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 Complainant has presented any non-merits-related allegations, they are baseless. A review of the relevant records reveals no evidence that any of the six Subject Judges have engaged in judicial misconduct. All 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). Complainant previously filed misconduct complaints that were dismissed as merits-related, unsubstantiated, and frivolous. See J.C. Nos. 03-24-90023, 03-24-90024, 03-24-90028, 03-24-90137, 03-24-90140, 03-24-90160, 03-24-90161, 03-25090008. Complainant has been cautioned twice against abuse of the complaint procedure. See Rule 10, Rules for Judicial-Conduct and Judicial-Disability Proceedings.² Complainant nonetheless filed the current series of meritless complaints.

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

Considering Complainant's apparent abuse of the complaint procedure, a copy of this opinion will be transmitted to the Judicial Council to consider whether to issue an order to show cause why Complainant should not be enjoined from filing further complaints under the Judicial Conduct and Disability Act.

s/ Michael A. Chagares
Chief Judge

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: March 17, 2025)

PRESENT: CHAGARES, Chief Judge.

Based on 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: March 17, 2025