

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90024

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: April 9, 2025)

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).

Complainant alleges that he attempted to file a petition for a writ of habeas corpus, but the petition was docketed improperly, and the filing fee was assessed in an incorrect amount. Complainant acknowledges that these issues were corrected several months

later.¹ Complainant nonetheless alleges that, due to the initial errors, he faced “the ina[bility] to prove facts and [an] inability to pay the filing fee.” Complainant states that, as a prisoner facing challenges in navigating the legal system, he filed this complaint of judicial misconduct in the hope of obtaining assistance from the court for himself and his fellow prisoners.

Complainant’s allegations do not support a claim of misconduct on the part of the Subject Judge. As a factual matter, docketing of court submissions and assessment of filing fees are handled by District Court Clerk’s Office staff, not judges.² Complainant presents no allegations that the Subject Judge was involved in the process of docketing Complainant’s habeas petition or assessing any court fees, and the record does not support such a claim. These allegations of judicial misconduct 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.

It is understandable that Complainant and his fellow prisoners would appreciate additional assistance in navigating the court system. Such allegations, however, are not

¹ The petition was administratively terminated after docketing because it was not filed on the proper court form and was not accompanied by the correct filing fee. Complainant later paid the fee and filed the proper form. The matter was re-opened and it remains pending.

² Clerk’s Office staff are not federal judges and therefore 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 of misconduct against non-covered individuals will not be addressed in this opinion. See 28 U.S.C. §§ 351, 352(b)(1)(A)(i).

cognizable misconduct. The misconduct procedures are limited in scope to the determination of whether a judge “has engaged in conduct prejudicial to the expeditious administration of the business of the courts or is unable to discharge the duties of office because of mental or physical disability.” Rule 1(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Because Complainant’s remaining allegations do not describe cognizable misconduct, they are subject to dismissal. 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(A), 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) and (iii).

s/ Michael A. Chagares
Chief Judge

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90024

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

ORDER

(Filed: April 9, 2025)

PRESENT: CHAGARES, Chief Judge.

Based on 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) 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: April 9, 2025