

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90044, 03-25-90056

IN RE: COMPLAINTS OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: May 29, 2025)

PRESENT: CHAGARES, Chief Judge.

These complaints are 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 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 was a defendant in a criminal proceeding that began more than two decades ago. After entering a guilty plea, he was sentenced to a substantial term of imprisonment. The matter was assigned to the Subject Judge approximately fifteen years

later, when Complainant sought a sentence reduction. The Subject Judge granted the motion and reduced Complainant's sentence. Complainant appealed, claiming he should have received a larger reduction. The Court of Appeals affirmed the judgment.

Complainant more recently filed a motion to set aside, vacate, or correct the sentence under 28 U.S.C. § 2255 and a motion for the Subject Judge's recusal. The Subject Judge dismissed the § 2255 motion as a second or successive and denied the recusal motion. Complainant appealed, and the appeal remains pending.

Complainant alleges in this complaint of judicial misconduct that he made the Subject Judge aware of his numerous claims of fraud and error in his underlying criminal prosecution, including that the District Court lacked jurisdiction, that he was convicted under "false, fraudulent & unconstitutional" statutes, that he was not advised during his arraignment of the penalties associated with his crime, that an FBI agent committed perjury against him, that certain documents, including his arrest warrant, contain "forged signatures," and that the Government planted evidence against Complainant. Complainant claims that the Subject Judge failed to grant relief despite knowledge of these claims, which allegedly demonstrates the Subject Judge's corruption and makes the Subject Judge part of the conspiracy against him.

Complainant has raised these claims without success in numerous motions in his criminal proceeding and related matters, including the § 2255 motion and the motion for the Subject Judge's recusal. To the extent Complainant is attempting to challenge the orders denying relief, such allegations are merits-related and therefore 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.”). “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 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.

The record provides no support for Complainant’s claims that the Subject Judge is corrupt or involved in a conspiracy against Complainant. Indeed, a careful review of the record reveals no evidence of judicial misconduct whatsoever. All of Complainant’s remaining allegations 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)(ii) and (iii).

s/ Michael A. Chagares
Chief Judge

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ORDER

(Filed: May 29, 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)(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: May 29, 2025