

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90045, 03-25-90047, 03-25-90059, 03-25-90060,
03-25-90061, 03-25-90062

IN RE: COMPLAINTS OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: May 30, 2025)

PRESENT: CHAGARES, Chief Judge.

These six complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against two United States Magistrate Judges (“Subject Judge I” and “Subject Judge II”) and two United States District Judges (“Subject Judge III” and “Subject Judge IV”).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 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

¹ Complainant also alleges misconduct on the part of a District Judge who is not identified as a Subject Judge of any of the six complaints. Having reviewed the allegations concerning that District Judge, the allegations do not provide “reasonable grounds for inquiry” into the existence of judicial misconduct. Accordingly, no complaint will be identified against that District Judge. See Rule 5(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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 pro se plaintiff in a number of cases before Subject Judges I, II, and III. Complainant submits frequent, and often repetitive, motions, letters, and other documents in those proceedings. Among other things, Complainant has filed unsuccessful motions seeking the recusal of Subject Judges I and II. Recently, a motion to reassign a case from Subject Judge I was submitted to Subject Judge IV, who entered a preclusion order limiting Complainant's ability to file frivolous motions and complaints and directing that the order be filed in all of Complainant's pending proceedings.

Complainant has filed three misconduct complaints naming Subject Judge I, claiming in each that Subject Judge I has engaged in "a pattern of procedural unfairness and bias." Specifically, Complainant alleges that Subject Judge I denied Complainant's requests for health-related accommodations, held unnecessary hearings for the benefit of the defense, gave unfair preference to the motions filed by the defendants, subjected Complainant's cases to "excessive scrutiny," improperly imposed sanctions, failed to afford Complainant the procedural rights due to a pro se litigant, "ignore[ed]" or summarily denied Complainant's motions, and violated Complainant's constitutional rights by failing to schedule a jury trial. Complainant further alleges that Subject Judge I "has appeared to prejudge the merits of [Complainant's] claims," suspects that Subject Judge I may have coordinated with other judges to encourage "procedural stalling, bias, and obstruction" in Complainant's other cases, and is retaliating against Complainant for

filing complaints of judicial misconduct.

Complainant alleges that Subject Judge IV engaged in misconduct by improperly issuing the preclusion order against him. Complainant claims that Subject Judge IV confused him with another individual with the same name, and as a result, incorrectly attributed frivolous filings to him. Complainant contends that, because Subject Judge IV's order has been entered in all of his pending cases, it has caused him unfair prejudice.

Finally, Complainant's misconduct complaints naming Subject Judges II and III elaborate on his concerns that Subject Judge IV wrongly issued the preclusion order and that Subject Judge I subjected him to bias and unfair scrutiny. Complainant does not identify any particular instance of alleged misconduct on the part of Subject Judges II and III, although Complainant does append an order by Subject Judge II denying a recusal motion and an order by Subject Judge III denying a motion for summary judgment.

Many of Complainant's allegations concern the merits of judicial rulings rendered in the proceedings before Subject Judges I, II, and III, including the orders by Subject Judges I and II declining to recuse, the order by Subject Judge III denying a motion for summary judgment, and the preclusion order issued by Subject Judge IV. These 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."). 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.

When considered apart from the merits-related allegations, Complainant's remaining allegations are entirely unsupported. A careful review of the record reveals no evidence of bias, retaliation, obstruction, collusion, or any other form of judicial misconduct. 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 six complaints will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii). To date, Complainant has filed a total of seventeen judicial misconduct complaints naming ten federal judges – many of them repeatedly – and all complaints have been determined to be merits-related, unsubstantiated, and frivolous. See also 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. Rule 10 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings provides that abuse of the complaint procedure, including the filing of repetitive, harassing, or frivolous misconduct complaints, may result in the imposition of filing restrictions.² In light of Complainant's apparent abuse of the complaint procedure, a copy

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

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. Pending the Judicial Council's determination of this matter, any new complaints of judicial misconduct submitted by Complainant will not be accepted for filing.

s/ Michael A. Chagares
Chief Judge

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: May 30, 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 30, 2025