

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90048

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: July 15, 2025)

PRESENT: CHAGARES, Chief Judge.

This complaint was filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, against a United States District Judge (“Subject Judge”). For the reasons discussed below, the complaint will be dismissed.¹

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).

¹ Complainant filed a prior complaint naming two judges, including the Subject Judge, that was dismissed as frivolous and merits-related. J.C. Nos. 03-21-90053 and 03-21-90054.

Approximately twenty years ago, a jury found Complainant guilty of several crimes. The then-presiding District Judge² sentenced Complainant to a term of imprisonment, which he is still serving. The case was reassigned to the Subject Judge after his conviction. Complainant alleges that the Subject Judge “lacked subject matter jurisdiction” and that his superseding indictment was “requir[ed]” to be dismissed. He also complains that the Subject Judge “improperly resealed” empanelment orders and that the grand jury term expired on a different date than that indicated on the orders. He further alleges that a miscellaneous number was “changed,” and this was a “fraudulent” act by the Government to “conceal their misconduct.”

As a preliminary matter, Complainant’s allegations against “the Government” and a government attorney are not cognizable in these proceedings. Only judges are covered by the Judicial Conduct and Disability Act. Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings. 28 U.S.C. § 352(b)(1)(A)(i).

Complainant’s efforts to challenge the Subject Judge’s jurisdiction and decision to seal an empanelment order 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.”). Merits-related allegations are subject to

² The then-presiding District Judge has since retired and is not named as a Subject Judge of this complaint.

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.³

Based on the foregoing, the complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii).

s/ Michael A. Chagares
Chief Judge

³ Complainant appears to rely on a different judge's decision in another proceeding to unseal empanelment orders as evidence of judicial misconduct in his case. This is not evidence of judicial misconduct by the Subject Judge.

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ORDER

(Filed: July 15, 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 (ii).

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: July 15, 2025