

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. No. 03-25-90064

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IN RE: COMPLAINT OF JUDICIAL MISCONDUCT  
OR DISABILITY

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

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MEMORANDUM OPINION

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(Filed: July 23, 2025)

PRESENT: CHAGARES, Chief Judge.

This complaint is 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.

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 filed a civil suit regarding collecting on an alleged debt. The Subject Judge denied a motion for default judgment and dismissed his complaint “without prejudice” for lack of jurisdiction. The Subject Judge also directed that Complainant

would have 30 days to file an amended complaint. Complainant thereafter filed a notice of appeal, two amended complaints, a motion for summary judgment, and several motions to amend and alter the amount in controversy.<sup>1</sup> Complainant alleges that the Subject Judge has demonstrated “bias” because the Subject Judge “could have issued some type of ruling.” He further complains that the Subject Judge “hasn’t issued any ruling 15 days beyond my Motion for Default and Summary Judgment.”

To the extent Complainant seeks to collaterally attack the Subject Judge’s prior ruling dismissing his complaint without prejudice and denying a motion for default judgment, his complaint is merits-related and not cognizable. 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 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.

Complainant’s allegations about the Subject Judge’s putative delay in ruling on subsequent filings are also subject to dismissal as merits related. Rule 4(b)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings (cognizable misconduct “does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive...or habitual delay”).<sup>2</sup> To the extent Complainant alleges

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<sup>1</sup> Complainant’s appeal was dismissed by the Clerk pursuant to Federal Rule of Appellate Procedure 42(b). The amended complaint filings and motions remain pending at this time.

<sup>2</sup> There is no allegation of “habitual delay” here.

that the Subject Judge has an improper motive for his alleged delay, his allegations are 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. The record has been reviewed and there is no evidence of judicial misconduct.

Based on the foregoing, this complaint 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

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(Filed: July 23, 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)(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](http://www.ca3.uscourts.gov).

s/ Michael A. Chagares  
Chief Judge

Dated: July 23, 2025