

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90066, 03-25-90076, 03-25-90077, 03-25-90078, 03-25-90079

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: August 12, 2025)

PRESENT: CHAGARES, Chief Judge.

The present complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, against a United States Magistrate 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).

As a preliminary matter, Complainants make allegations concerning attorneys, law clerks, court staff, a state court judge, sheriff, and others. These allegations cannot be

addressed in these proceedings. Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings (explaining that the rules apply to covered federal judges only). See also 28 U.S.C. § 352(b)(1)(A)(i).

Complainants further allege that the Subject Judge’s supervision of his clerks “in tandem with improper favoritism” and “systemic enabling” of defendants in their civil suit constitutes judicial misconduct. Complainants also state there has been “systemic procedural bias, rule violations, and collusive inaction” as well as “systemic retaliation against pro se litigants.” Specifically, they complain about deadline extensions granted to defendants, the improper classification and dismissal of Complainants’ pleadings, termination of a motion to strike a lengthy brief, and denial of a default judgment, among other rulings. Complainants also contend that there has been a pattern of delay.

It is evident that Complainants seek to challenge the Subject Judge’s decisions in their underlying civil suits. Such allegations are merits-related and do not constitute cognizable misconduct in judicial misconduct proceedings. Indeed, many of Complainants’ allegations were raised in an unsuccessful recusal motion. See 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.”). In a sworn supplement, Complainants also seek the Judicial Council’s intervention in their pending civil suits and mandamus proceeding. However, 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 allegations of misconduct are thus 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.¹

To the extent that any of Complainant's contentions do not qualify as merits-based challenges, Complainant's allegations are subject to dismissal as frivolous and unsupported by evidence that would raise an inference that misconduct has occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The underlying record has been reviewed and there is no evidence of improper conduct or bias.² Complainants have provided no evidence of impartiality, bias, or other improper conduct by the Subject Judge aside from their disagreement with his judicial decisions.

¹ As noted above, Complainant further complains of the Subject Judge's "delay." Allegations of delay are likewise subject to dismissal as merits-related. Rule 4(b)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Nor is there any evidence of an "improper motive" or "habitual delay." Id.

² Complainants also makes allegations about another Magistrate Judge who was not named as a Subject Judge in their complaints. I have considered these allegations pursuant under Rule 5, Rules for Judicial-Conduct and Judicial-Disability Proceedings. I conclude the allegations do not provide "reasonable grounds for inquiry" into the existence of misconduct and I therefore decline to identify a complaint based upon them. Id.

Based on the foregoing, the complaints will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii). Given the frivolous and merits-related nature of the complaints and multiple supplemental submissions filed by Complainants, their attention is again directed to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.³

s/ Michael A. Chagares
Chief Judge

³ Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings, states:

(a) Abusive Complaints. A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from 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: August 12, 2025)

PRESENT: CHAGARES, Chief Judge.

On the basis of 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)(i), (ii), and (iii).

This order constitutes a final order under 28 U.S.C. § 352(c). Complainants are 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: August 12, 2025