

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. No. 03-25-90080

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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: October 20, 2025)

PRESENT: CHAGARES, Chief Judge.

This complaint is 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 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 pro se complaint against his former employer in state court, claiming disability discrimination and retaliation. The defendant removed the matter to

District Court, where it was assigned to the Subject Judge. After many months of motions practice, including an unsuccessful motion by Complainant to recuse the Subject Judge, the parties ultimately settled. The Subject Judge therefore dismissed the complaint. No appeal was filed, and the case has been closed for nearly two years.

Complainant alleges in this complaint of judicial misconduct that the Subject Judge expressed hostility toward Complainant during a hearing because of administrative delays that were beyond Complainant's control, disregarded or misunderstood evidence of Complainant's medical diagnoses, and demonstrated bias by making demeaning comments about the worthiness of Complainant's claims. Complainant also claims he was forced against his will to accept an inappropriately low settlement payment.

Complainant raised claims of bias and hostility in his motion to recuse the Subject Judge. The Subject Judge denied the motion, concluding that Complainant's allegations did not warrant recusal. A challenge to the Subject Judge's decision not to recuse is merits-related. Similarly, the Subject Judge's assessment of Complainant's medical evidence is merits-related. Merits-related allegations 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 proper course for obtaining review of the merits of the Subject Judge's rulings is a procedurally proper appeal, not an administrative judicial misconduct proceeding. "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 therefore 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 non-merits-related allegations are also subject to dismissal. Complainant alleges, without further specificity or evidentiary support, that the Subject Judge showed hostility by making "repeated insinuations that the case was wasting the court's time" and by stating that the Subject Judge "had 'more important cases' to handle." No transcript is available to verify whether these comments have been accurately described. Nonetheless, assuming that the Subject Judge made such comments, Complainant has not alleged conduct rising to the level of judicial misconduct. "[E]xpressions of impatience, dissatisfaction, annoyance, and even anger" do not establish bias unless they reveal such a high degree of antagonism or favoritism as to make fair judgment impossible. Liteky v. United States, 510 U.S. 540, 555 (1994); see also United States v. Wecht, 484 F.3d 194, 220 (3d Cir. 2007) (same). The statements Complainant has described do not satisfy the Liteky standard and do not reflect antagonism or favoritism or rising to the level of demonstrably egregious and hostile treatment constituting judicial misconduct under Rule 4(a)(2)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings. These allegations are therefore subject to dismissal as

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)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Finally, a careful review of the record reveals no support for Complainant's allegations of judicial misconduct concerning the settlement of his case. Although Complainant claims that he accepted an unfair settlement due to "extreme duress to prevent imminent homelessness," the allegation specifies that the negotiation was conducted "by defense counsel with knowledge of plaintiff's financial desperation." Complainant further alleges that the defendant "submitted fraudulent tax documentation" of the settlement. Alleged tax fraud by the defendant and coercion by defense counsel do not give rise to misconduct on the part of the Subject Judge.<sup>1</sup> Complainant does not claim that the Subject Judge was involved in the settlement negotiations or in filing settlement-related tax documentation. Complainant's vague implication that the Subject Judge "enable[ed]" tax fraud is entirely unsubstantiated. These 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.

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<sup>1</sup> The defendant and its attorney are not federal judges and therefore are not subject to the Judicial Conduct and Disability Act. See 28 U.S.C. § 351(d); Rule 1(b), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Allegations of misconduct against them therefore will not be addressed. See 28 U.S.C. §§ 351, 352(b)(1)(A)(i).

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

s/ Michael A. Chagares  
Chief Judge

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ORDER

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(Filed: October 20, 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), (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: October 20, 2025