

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90088, 03-25-90089, 03-25-90090

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: November 12, 2025)

PRESENT: CHAGARES, Chief Judge.

This complaint is 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 one United States District Judge (“Subject Judge III”). 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, a prisoner, was convicted of a crime and currently has two appeals pending. Subject Judges I and II presided over pretrial matters in the criminal proceeding.

Subject Judge III presided over complainant's jury trial, as well as various status conferences and other pretrial proceedings. After Complainant's conviction and several post-trial motions, Complainant's case was transferred to another District Judge because one of Complainant's motions raised issues in common with a case already pending before that Judge.

As a preliminary matter, some of Complainant's allegations do not concern judges and therefore cannot be addressed here. Complainant alleges that his district court submission complaining about the conduct of Subject Judge III was docketed by the clerk's office as a motion instead of as a complaint. Complainant also appears to complain about his standby counsel. These allegations are subject to dismissal because the Judicial Conduct and Disability Act only applies to federal judges. Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings; 28 U.S.C. § 352(b)(1)(A)(i).

With respect to Subject Judge I, Complainant alleges that this Judge granted a continuance without his consent. He also appears to contend that at his arraignment Subject Judge II did not have jurisdiction over his criminal proceeding and should not have entered a plea on his behalf because he "didn't consent to the court[']s jurisdiction." These allegations seek to challenge to the merits of the Subject Judges' decisions and procedural rulings. Such 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 . . ."). 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.

A careful review of the record in Complainant's criminal proceeding reveals no basis for the remaining allegations of judicial misconduct. Complainant alleges that he was "under threat, duress, coercion" during a hearing where he challenged the jurisdiction of the court and refused to consent to a continuance before Subject Judge I. The record reflects that Complainant had standby counsel and was able to file his pro se motion to dismiss raising his jurisdictional argument. He further states that Subject Judge III threatened him and cut him off at a later hearing and said, "don't try to talk over me because it can get real here." Even assuming arguendo that Subject Judge III made such a statement, this does not constitute judicial misconduct. Cf. Liteky v. United States, 510 U.S. 540, 556 (1994) ("*Not* establishing bias or partiality, however, are expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges, sometimes display. A judge's ordinary efforts at courtroom administration - even a stern and short-tempered judge's ordinary efforts at courtroom administration - remain immune."). Accordingly, Complainant's remaining 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.¹

¹ I express no opinion as to the merits of Complainant's pending appeals.

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

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90088, 03-25-90089, 03-25-90090

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

ORDER

(Filed: November 12, 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.

s/ Michael A. Chagares
Chief Judge

Dated: November 12, 2025