

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90093, 03-25-90094, 03-25-90095

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: November 21, 2025)

PRESENT: CHAGARES, Chief Judge.

The present complaint is filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against three United States Circuit Judges (“Subject Judge I,” “Subject Judge II,” and “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 appealed a District Court order dismissing his civil suit for lack of subject matter jurisdiction. Subject Judges I, II, and III were on the panel that considered his appeal. The panel summarily affirmed the district order concluding there was no error in the District Court's ruling that it lacked diversity jurisdiction. After the mandate had already issued in his appeal, Complainant filed multiple motions, which were denied by the panel.

Many of Complainant's allegations concern putative actions by Clerk's Office employees regarding the docketing of Complainant's submissions. These allegations cannot be addressed in the present proceedings because the Judicial Conduct and Disability Act only applies to federal judges. These allegations are therefore dismissed. Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings; 28 U.S.C. § 352(b)(1)(A)(i).¹

Complainant's remaining allegations primarily concern decisions and procedural rulings rendered by the Subject Judges. Complainant alleges that the Subject Judges dismissed his appeal without reviewing the full record and engaged in "judicial overreach" and "procedural flaws," including invoking "irrelevant precedent" *sua sponte*, as well as relying on "unbriefed arguments." Complainant also complains that appellee was not required to file an appearance form prior to dismissal of the appeal. Allegations disputing the merits of judicial rulings do not constitute cognizable misconduct. Rule 4(b)(1), Rules

¹ Complainant also filed several unsworn supplements regarding the alleged actions of clerk's office employees. I decline to identify a complaint under Rule 5 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings regarding these allegations because, as discussed above, the Act only applies to federal judges.

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 . . .”). “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). Accordingly, 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.²

Complainant also makes speculative and unsupported allegations. For example, without any support other than his unfamiliarity and disagreement with the case law cited by the panel, Complainant alleges that appellees were allowed to participate “off the record” and that “undisclosed” ex parte communications “potentially” extended to the judicial panel. The record has been reviewed and Complainant’s remaining allegations of judicial misconduct 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.

² In any event, the record reflects that the Court’s mandate issued before the filing of most of the documents Complainant attaches as exhibits to his complaint. Following the issuance of the mandate, the panel reviewed and rejected several motions filed by Complainant, including motions raising many of the same allegations asserted again here in these separate administrative proceedings.

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

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ORDER

(Filed: November 21, 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 21, 2025