

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90099, 03-25-90100, 03-25-90101, 03-25-90102

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: September 8, 2025)

PRESENT: CHAGARES, Chief Judge.

The present complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against a United States District Judge (“Subject Judge I”) and three United States Circuit Judges (“Subject Judges II, III, and IV”). 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).

Although Complainant filed the above-captioned complaints at the same time, they in fact concern two separate matters. In J.C. No. 03-25-90099, Complainant, a pro se

prisoner, complains about a civil suit. In that suit, Subject Judge I concluded that Complainant had accumulated “three strikes” and denied his application for in forma pauperis status. Complainant appealed and his appeal was dismissed for failure to timely prosecute by clerk order. Complainant alleges in J.C. No. 03-25-90099 that Subject Judge I should not have denied in forma pauperis status and should have statutorily tolled his case. In J.C. Nos. 03-25-90100, 03-25-90101, and 03-25-90102, Complainant makes allegations about a habeas proceeding that was assigned to a different District Judge who is not named as a Subject Judge here. The habeas petition was dismissed and Complainant appealed. The appeal was assigned to a panel made up of Subject Judges II, III, and IV. Subject Judges II, III, and IV issued an order denying a certificate of appealability.¹ In the present proceeding, Complainant alleges that Subject Judges II, III, and IV are receiving bribes to “throw off” his case.²

It is apparent that Complainant is attempting to challenge rulings related to his civil suit and a separate appeal. 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

¹ Another appeal regarding a second habeas petition remains pending. I express no opinion about the merits of either appeal in the present administrative proceeding.

² Complainant also sought to file a complaint against a court clerk and most of his allegations in J.C. Nos. 03-25-900100, 03-25-900101, and 03-25-90102 pertain to the clerk. As Complainant was advised, only complaints against federal judges can be accepted for filing under the Judicial Conduct and Disability Act and his allegations against the clerk cannot be addressed here. Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings; 28 U.S.C. § 352(b)(1)(A)(i).

into question the correctness of a judge's ruling, including a failure to recuse.”). The present administrative proceeding does not provide an alternative forum for review. “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 remaining allegations are baseless. The record reveals no evidence that the Subject Judges received bribes or engaged in any form of judicial misconduct. The remaining 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.

Based on the foregoing, the complaints will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii). Complainant has filed multiple complaints of judicial misconduct that have been dismissed as merits-related, unsubstantiated, and frivolous. See J.C. Nos. 03-20-20019, 03-20-90086, 03-23-90139, 03-24-90083, 03-24-90096, 03-24-90107, 03-25-90040, 03-25-90041, and 03-25-90042. Complainant was strongly cautioned in a prior opinion that continued filing of repetitive, harassing, or frivolous

misconduct complaints could result in the imposition of restrictions pursuant to Rule 10 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.³ He nonetheless proceeded to file the present complaints. Accordingly, it is directed that a copy of this opinion be transmitted to the Judicial Council for consideration of the issuance of an order to show cause under Rule 10(a).

s/ Michael A. Chagares
Chief Judge

³ Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings provides:

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: September 8, 2025)

PRESENT: CHAGARES, Chief Judge.

Based on 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). 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: September 8, 2025