

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90110, 03-25-90111, 03-25-90112, 03-25-90113

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: February 20, 2026)

PRESENT: SHWARTZ, Circuit Judge.¹

This complaint is filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against three United States Magistrate Judges (“Subject I,” “Subject Judge II,” and “Subject Judge IV”) and one United States District Judge (“Subject Judge III”). For the reasons discussed below, the complaint will be dismissed.²

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

¹ Acting pursuant to Rule 25(f), Rules for Judicial-Conduct and Judicial-Disability Proceedings (“If the chief judge is disqualified from performing duties that the Act and these Rules assign to a chief judge, those duties must be assigned to the most-senior active circuit judge not disqualified.”).

² Complainant has filed one prior complaint against Subject Judge I. The complaint was dismissed as frivolous and merits-related. J.C. No. 03-20-90091.

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 civil complaint naming Social Security officials and alleging that the Social Security Administration miscalculated plaintiffs' benefits. In the present misconduct complaint, Complainant alleges that the Subject Judges have engaged in delay and contends that magistrate judges "lack authority" in cases with a "strong public interest." She expresses disagreement with decisions made in her case and further suggests that Subject Judge I is biased against her and should have recused because of Complainant's prior complaint of judicial misconduct (J.C. No. 03-20-90091). Complainant also views the reassignment of her case to a different judge after the attempted filing of a petition for writ of mandamus as evidence of judicial misconduct.

The majority of these allegations seek to challenge the merits of judicial decisions, including Subject Judge I's putative failure to recuse and the authority of Subject Judges I, II, and IV to make decisions. 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, **including a failure to recuse.**") (emphasis added). 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.³

Complainant’s allegation of delay is also subject to dismissal. Delay generally does not constitute cognizable misconduct because it challenges an official action by the Subject Judge and is therefore merits-related. See Commentary on Rule 4, Rules for Judicial-Conduct and Judicial-Disability Proceedings. “Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” Rule 4(b)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The record has been reviewed and there is no evidence of an improper motive for any putative delay here. Complainant filed multiple motions during the time period complained of, and as noted above, the case has been reassigned several times. Notably, Complainant’s motions requesting expedited action were granted in part by Subject Judge IV, less than a week after the case was reassigned to him. Thus, to the extent Complainant contends there is an improper motive for any putative delay, the complaint is subject to dismissal as frivolous and unsupported by sufficient evidence to 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.

Complainant also makes general allegations about unfairness, bias, the “taint of impropriety,” and a lack of integrity. Complainant’s disagreement with the Subject

³ Subject Judge I is no longer assigned to Complainant’s civil suit and has not been assigned to it for over a year.

Judges' actions and the reassignment of her case to different judges are not evidence of judicial misconduct.⁴ Furthermore, Complainant argues that her case should not have been assigned to magistrate judges. The record reflects that the parties were provided with the opportunity to consent to the jurisdiction of a magistrate judge and when Complainant did not consent, the case was assigned to a District Judge (Subject Judge III) and referred to a Magistrate Judge (Subject Judge IV). There is no judicial misconduct. Complainant's allegations are frivolous and unsupported by sufficient evidence to raise an inference that misconduct has occurred. Id.

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

s/ Patty Shwartz
Circuit Judge

⁴ Complainant alleges that the "District Court" refused to upload a petition for writ of mandamus. Clerk's Office employees, and not Judges, are responsible for docketing the parties' filings in cases. Clerk's Office employees are not subject to the Judicial Conduct and Disability Act and, therefore, this allegation cannot be addressed in the present proceeding. 28 U.S.C. § 352(b)(1)(A)(i); Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings. In any event, Complainant's petition was ultimately docketed in the Third Circuit and denied. I express no opinion as to the merits of Complainant's civil suit or the petition for writ of mandamus in the present separate administrative proceeding.

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ORDER

(Filed: February 20, 2026)

PRESENT: SHWARTZ, Circuit Judge.¹

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.

¹ Acting pursuant to Rule 25(f), Rules for Judicial-Conduct and Judicial-Disability Proceedings (“If the chief judge is disqualified from performing duties that the Act and these Rules assign to a chief judge, those duties must be assigned to the most-senior active circuit judge not disqualified.”).

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/ Patty Shwartz
Circuit Judge

Dated: February 20, 2026