

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-25-90116, 03-25-90117, 03-25-90118, 03-25-90119,
03-25-90120, 03-25-90121, 03-25-90122, 03-25-90123

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 four United States Circuit Judges (“Subject Judge I” through “Subject Judge IV”), three United States District Judges (“Subject Judge V” through “Subject Judge VII”), and one United States Magistrate Judge (“Subject Judge VIII”). 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

¹ Acting as Chief Judge pursuant to Rule 25(f), Rules for Judicial-Conduct and Judicial-Disability Proceedings (assigning the Chief Judge’s duties to the “most-senior active circuit judge not disqualified”).

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 federal prisoner and frequent pro se litigant, has filed this lengthy complaint of judicial misconduct naming eight federal judges. He identifies as relevant proceedings the following matters: (1) a 2011 appeal in which a panel comprised of Subject Judges II, III, and IV affirmed a judgment adverse to Complainant; (2) a 2011 appeal that a panel comprised of Subject Judges II, III, and IV dismissed for lack of jurisdiction; (3) a 2019 criminal proceeding before Subject Judge V in which Complainant was convicted after a jury trial; (4) a 2022 appeal related to the 2019 criminal proceeding, in which a panel comprised of three Circuit Judges who are not named in the complaint summarily affirmed the District Court; (5) a 2023 appeal related to the 2019 criminal proceeding, in which a panel comprised of Subject Judge II and two Circuit Judges who are not named in the complaint dismissed the appeal for failure to comply with a court order; (6) a 2024 criminal proceeding before Subject Judge VII in which Complainant was convicted after a jury trial; (7) a 2020 habeas petition before a District Judge who is not named in the complaint, which was dismissed because it was filed in the wrong venue; (8) a 2023 civil rights complaint that Complainant filed pro se against a number of judges (including Subject Judge IV) and several court employees, which Subject Judge VI dismissed without prejudice for failure to effect proper service; and (9) a 2024 habeas petition, which Subject Judge VII denied.

This complaint of judicial misconduct is difficult to comprehend. The submission consists first of several typewritten pages of disjointed and unexplained phrases such as “judicially attainted” and “tortured proceedings,” along with citations to caselaw, statutes, and other materials. This is followed by copies of court orders and portions of court filings adorned with arrows, underlining, and handwritten annotations. For instance, a copy of an order denying a motion, which was issued by a District Judge who is not a subject of the complaint, contains a handwritten note that reads: “No Sua Sponte ‘authority’ to Save [Subject Judge V]! el al. McIntosh ‘Jurisdiction’ ECF 115/28 USC 2242!” In places, the submission contains slurs and insults and refers to disturbing activity, such as gun violence.

To the extent some or all of the submission is intended to collaterally challenge judicial rulings, such allegations are merits-related allegations and 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.”). 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.

While Complainant’s specific concerns are difficult to interpret, the records in the nine identified proceedings have been reviewed and do not support a claim that any of the named Subject Judges have engaged in conduct constituting judicial misconduct. Any non-merits-related claims 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, this complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii). A number of years ago, Complainant filed four judicial misconduct complaints naming nine federal judges, and those complaints also were dismissed as merits-related, unsubstantiated, and frivolous. See J.C. Nos. 03-13-90055–59, 03-13-90067–68, 03-13-90071–72, 03-18-90062–63. In light of this history, Complainant is cautioned that continued filing of repetitive, harassing, or frivolous misconduct complaints may result in the imposition of restrictions pursuant to Rule 10 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.²

s/ Patty Shwartz
Circuit Judge

² 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: 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)(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 as Chief Judge pursuant to Rule 25(f), Rules for Judicial-Conduct and Judicial-Disability Proceedings (assigning the Chief Judge’s duties 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