

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. No. 03-25-90125

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IN RE: COMPLAINT OF JUDICIAL MISCONDUCT  
OR DISABILITY

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

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MEMORANDUM OPINION

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(Filed: February 26, 2026)

PRESENT: CHAGARES, Chief Judge.

This complaint is filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against a United States Magistrate Judge (“Subject Judge”). 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 is a pro se plaintiff in a pending civil action. The matter was referred to the Subject Judge to conduct a settlement conference. After a few short status calls

with the parties a few days in advance, the ninety-minute settlement conference was held in October 2025. The conference was not transcribed. A settlement was not reached, the litigation is ongoing, and the Subject Judge has had no further involvement in the proceeding.

Complainant alleges in this complaint of judicial misconduct that the Subject Judge engaged in “bias, intimidation, disrespect, and dismissive treatment.” Complainant specifies that, among other things, the Subject Judge: (1) employed simple language, which Complainant found insulting; (2) rescheduled the preliminary status call on short notice; (3) greeted defense counsel more warmly than Complainant; (4) “adopted the Defendants’ narrative” by referring to the parties’ underlying rent dispute; (5) opining that Complainant is “going to lose” a state court appeal; (6) “frequently pressured” Complainant to accept a settlement; (7) suggested that jurors would not be sympathetic to Complainant’s case; (8) observed that “evictions happen every day”; (9) “usurp[ed] the role of a medical expert” by asking Complainant about a health condition; and (10) “repeatedly emphasized that [Complainant’s] case was weak and that [Complainant] would likely lose the motion for summary judgment.” Complainant also suspects that the Subject Judge conspired with the defendants during off-record telephone conferences to develop a strategy “to intimidate and pressure [Complainant] into accepting a low-ball settlement offer.”

Many of Complainant’s allegations concern decisions and procedural rulings by the Subject Judge, including the Subject Judge’s decision to reschedule a phone call, the

Subject Judge’s consideration of the medical condition that provided the basis for part of Complainant’s damages claim, and the Subject Judge’s assessment of the merits of Complainant’s case for purposes of evaluating settlement options. These allegations are merits-related, and merits-related allegations 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.”). Because merits-related allegations are not cognizable in this proceeding, they 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.

Complainant also raises allegations that, even if true, do not rise to the level of judicial misconduct. For instance, Complainant takes issue with the Subject Judge’s describing Complainant’s civil proceeding as a rent dispute. Yet as a factual matter, the complaint demonstrates that Complainant’s statutory claims stem from the defendants’ efforts to collect rent from Complainant — in other words, an underlying rent dispute. These allegations are therefore subject to dismissal because, even if true, they do not constitute conduct prejudicial to the effective and expeditious administration of the business of the courts. 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant also presents several allegations that, even accepting Complainant’s recitation of events, do not rise to the level of judicial misconduct. Complainant’s view

that the Subject Judge had a warmer demeanor toward the defendants and used terms that were simpler than Complainant prefers does not, without more, rise to the level of demonstrably egregious and hostile treatment constituting judicial misconduct under Rule 4(a)(2)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings; see also Liteky v. United States, 510 U.S. 540, 555 (1994) (“[E]xpressions of impatience, dissatisfaction, annoyance, and even anger” do not establish bias unless they reveal such a high degree of antagonism or favoritism as to make fair judgment impossible.”); United States v. Wecht, 484 F.3d 194, 220 (3d Cir. 2007) (same). These allegations are subject to dismissal as 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)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The thrust of the complaint is that the Subject Judge is biased against Complainant and engaged in coercion. Yet, upon review, the allegations of the complaint do not individually or cumulatively describe conduct that reasonably supports these claims. Notably, the Subject Judge’s role in the case was quite limited, the interactions between the Subject Judge and Complainant were brief, and no settlement was reached in the case, undermining the claim that Complainant was coerced into settlement. The allegations of bias and coercion are therefore subject to dismissal as 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)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Finally, Complainant’s claim that the Subject Judge conspired with defense counsel to pressure Complainant to settle is entirely unsupported. Complainant observes that the Subject Judge held two brief status calls with the defendants shortly before the status conference; she offers only her “belie[f]” that these calls gave rise to a conspiracy against her. Complainant’s personal suspicions do not reasonably substantiate a conspiracy claim. The allegation lacks any indicia of reliability and therefore is 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).

s/ Michael A. Chagares  
Chief Judge

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ORDER

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(Filed: February 26, 2026)

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)(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](http://www.ca3.uscourts.gov).

s/ Michael A. Chagares  
Chief Judge

Dated: February 26, 2026