

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90137

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: March 12, 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 Circuit Judge (“Subject Judge”).¹ 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 Complainant also named a retired District Judge as a Subject Judge. Complainant was advised that complaints of misconduct may only be accepted for filing against judges currently holding an office described in Rule 1(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complaint therefore was not accepted for filing as to the retired judge and the allegations of misconduct against, the retired judge will not be considered. See Rule 8(c), Rules for Judicial-Conduct and Judicial-Disability Proceedings; 28 U.S.C. §§ 351, 352(b)(1)(A)(i).

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 federal prisoner serving a life sentence pursuant to a guilty plea. In 2017, Complainant filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The District Court denied the motion. Complainant appealed, and the matter was assigned to a three-judge panel including the Subject Judge. The Subject Judge issued an order denying Complainant a certificate appealability and summarily affirming the District Court's judgment. Complainant's petition for rehearing later was denied.

This complaint of judicial misconduct concerns Complainant's claim in his § 2255 proceeding that the Government mis-quoted a portion of the record describing the crimes to which Complainant pled guilty. Complainant contends that the District Court improperly relied on the Government's alleged misrepresentations, and when Complainant brought the issue to Subject Judge's attention during the § 2255 appeal, the Subject Judge did not conduct an independent investigation or grant Complainant relief. Complainant alleges that the Subject Judge was required to report the District Court's reliance on the purported misrepresentations to the Chief Judge of the Circuit Court, and that the Subject Judge's failure to do so constitutes judicial misconduct.

To the extent Complainant challenges the Subject Judge's rulings in the § 2255 appeal, including the decisions not to conduct an investigation and to summarily affirm the District Court's decision denying § 2255 relief, the allegations are merits-related.

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.”). This administrative proceeding is not a forum in which to collaterally attack judicial 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) (“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.”). Because merits-related allegations are not cognizable misconduct, 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’s remaining allegations are baseless. The Subject Judge did not have an obligation to report Complainant’s allegations because Complainant has not shown that he presented the Subject Judge with reliable information reasonably likely to constitute judicial misconduct. See Rule 4(a)(6), Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Cognizable misconduct includes failing to call to the attention of the relevant chief district judge or chief circuit judge any reliable information reasonably likely to constitute judicial misconduct or disability.”). A careful review of the record reveals no evidence to support a claim of judicial misconduct on the part of the Subject Judge. Complainant’s non-merits-related 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, this 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: March 12, 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)(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: March 12, 2026