

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90138

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: March 13, 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 filed a pro se civil complaint against a government agency in May 2025. The matter was referred to the Subject Judge the following month. In August 2025,

the Subject Judge issued a report and recommendation, reviewing the complaint under 28 U.S.C. § 1915 and recommending that it be dismissed with prejudice as frivolous and for failure to state a claim. The matter then was stayed for a period pursuant to a court-wide administrative order. During that time, Complainant filed several motions requesting various forms of relief, as well as a petition for a writ of mandamus in the Court of Appeals seeking a ruling on the Subject Judge's report and recommendation. After the stay was lifted, the presiding District Judge accepted and adopted the Subject Judge's report and recommendation, and the Court of Appeals dismissed the mandamus petition as moot. Complainant has appealed the judgment. The appeal remains pending.

Complainant alleges in this complaint of judicial misconduct that “[d]espite repeated notices of ongoing constitutional and financial harm, [the Subject Judge] failed to rule on emergency filings for months.” Complainant alleges that the Subject Judge's “refusal to rule, delay, or failure to act” constitutes judicial misconduct.

Contrary to Complainant's allegations, delay generally does not constitute judicial misconduct. “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. Complainant does not allege habitual delay or improper motive, and a careful review of the record reveals no support for such a claim. Moreover, even if the delay allegation were cognizable, the record does not support such a claim. The civil complaint was

referred to the Subject Judge for a period of less than two months before the Subject Judge issued her report and recommendation. As a factual matter, this period simply does not constitute undue delay. Complainant's claim of delay on the part of the Subject Judge 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.

Additionally, Complainant raised a delay claim in the mandamus action before the Court of Appeals. Any allegations intended to challenge the resolution of the mandamus petition 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."). Because merits-related allegations are not cognizable, 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.

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

(Filed: March 13, 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.

s/ Michael A. Chagares
Chief Judge

Dated: March 13, 2026