

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90141

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 District 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 litigant who is attempting to intervene in an employment discrimination suit filed by one of Complainant’s former coworkers against their

employer. The discrimination suit alleges, among other things, that Complainant harassed the plaintiff. The suit was before the Subject Judge for about a year and a half before it was reassigned to a different District Judge. Complainant's motion to intervene in the discrimination suit remains pending, as does the employer's motion to dismiss the complaint. Complainant also has filed a petition for a writ of mandamus in the Court of Appeals, in which Complainant seeks various forms of relief, including a hearing about the right to intervene. The petition also remains pending.

Complainant alleges in this complaint of judicial misconduct that the discrimination suit is procedurally defective and defamatory. Complainant alleges that the Subject Judge violated Complainant's constitutional rights by "refusing [Complainant] the right to defend" against the plaintiff's allegations in the discrimination suit and by declining to certify certain orders for immediate interlocutory appeal. Complainant speculates that the Subject Judge "is being influenced by an unknown party" and seeks an investigation into that purported party's identity.

A number of Complainant's allegations concern the merits of the discrimination suit and the Subject Judge's rulings in that suit, including the allegations that the suit suffers from procedural defects and Complainant's dispute with the Subject Judge's decision not to certify an interlocutory appeal. These are merits-related allegations, and therefore they 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.”). The proper course for obtaining review of the merits of judicial rulings is a procedurally proper appeal, and this administrative proceeding is not a supplement to or an alternative for such an appeal. 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, 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 allegation about the Subject Judge’s “failure” to permit Complainant “to defend [himself] as a party to the civil action” is best understood as an allegation that the Subject Judge has unduly delayed a ruling on Complainant’s pending motion to intervene.¹ Although the motion has been pending for some time, “[c]ognizable 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 alleges improper motive in the form of “influence[] by an unknown party,” but the record provides no evidence to substantiate this allegation. Indeed, Complainant acknowledges that this

¹ If the Subject Judge were to deny the motion to intervene, this allegation would be merits related.

allegations rests on nothing more than Complainant's personal "opinion." Complainant's claim of delay therefore is 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.

Based on the foregoing, this complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii). Complainant previously has filed judicial misconduct complaints that were dismissed as merits-related, unsubstantiated, and frivolous. See J.C. Nos. 03-23-90143, 03-24-90092, 03-24-90093, 03-24-90094. 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/ Michael A. Chagares
Chief 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.

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90141

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

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)(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