

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-25-90142

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: March 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 District 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 attempted to bring a complaint of judicial misconduct against the Clerk of the District Court. As Complainant was informed, that individual is not a federal judge and therefore is not subject to the Judicial Conduct and Disability Act. See 28 U.S.C. § 351(d); Rule 1(b), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complaint was not docketed against the Clerk of the District Court and allegations of misconduct concerning that individual will not be addressed in this proceeding. See 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 alleges that he is a member of the District Court bar. He contacted the Clerk of the District Court in January 2025 to request a certificate of good standing. When he did not receive a response, Complainant filed a petition for a writ of mandamus, which was assigned to the Subject Judge. The petition requested that the Subject Judge intervene to assist Complainant in obtaining a certificate of good standing. Complainant alleges that, as of the date of the misconduct complaint, he “ha[d] received no response in almost one year” from the Subject Judge.

The mandamus petition was filed in late April 2025, and this misconduct complaint was filed in December 2025. In January 2026, the Subject Judge issued an order denying Complainant’s mandamus petition. The Subject Judge’s order indicated, among other things, that Complainant had not established entitlement to a certificate of good standing. Complainant did not appeal.

Because Complainant has not withdrawn or amended the complaint of judicial misconduct, Complainant’s allegations will be construed as a claim that the Subject Judge unduly delayed a decision on the mandamus petition.² Delay, however, generally does not constitute judicial misconduct. “Cognizable misconduct does not include an allegation

² A disagreement with the merits of the Subject Judge’s ruling on the mandamus petition would not be cognizable in this proceeding. 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.”); see also 28 U.S.C. § 352(b)(1)(A)(ii), Rule 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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 claims. Moreover, the mandamus petition was pending before the Subject Judge for approximately nine months. As a factual matter, such a period 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.

Based on the foregoing, this complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i) and (iii).

s/ Michael A. Chagares
Chief Judge

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ORDER

(Filed: March 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)(i) 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 26, 2026