

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. No. 03-26-90001

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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 5, 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, a pro se litigant and former prisoner, has filed multiple unsuccessful lawsuits. Complainant also filed a prior complaint of judicial misconduct against the same Subject Judge that was dismissed as frivolous and merits-related. In his prior complaint,

Complainant contended that the Subject Judge has a “clear record of bias and ill [will] towards Complainant” over “the past years.” J.C. No. 03-20-90078. In dismissing that complaint, then-Chief Judge Smith ruled, “[t]he records for Complainant’s cases have been reviewed and there is no evidence of any conduct rising to the level of judicial misconduct.”

In the present complaint, Complainant discusses a “rocky past” with the Subject Judge and the Subject Judge’s “need to make disparaging remarks.” To the extent Complainant is referencing the allegations that were previously dismissed in J.C. No. 03-20-90078, they are again dismissed here as frivolous and merits-related. See J.C. No. 03-20-90078. Complainant provides no “material information not previously considered....” Rule 11(c)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant further complains about the Subject Judge’s putative statements in an order that the defendants removed an action “at their own expense” and that Complainant had filed multiple actions with “in forma pauperis status.” Complainant also complains that the Subject Judge “failed to address” that Complainant had paid a filing fee and sheriff service fee. Complainant views the foregoing as evidence of “ill feeling” and “bias.” Complainant’s allegations of misconduct are groundless on their face. The statements cited by Complainant are not evidence of judicial misconduct. Furthermore, a review of the record reveals no evidence to substantiate Complainant’s claims of judicial misconduct. These 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.

Complainant also makes allegations regarding the merits of his current civil suit against a Department of Corrections employee, which remains pending. Complainant alleges that the Subject Judge considered evidence that is not in the record, including Complainant's criminal record. Complainant further complains that the Subject Judge ordered briefing on qualified immunity and raised this defense himself. Merits-related allegations do not constitute cognizable misconduct under the Judicial Conduct and Disability Act. 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."). Furthermore, 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." In re Memorandum of Decision of Judicial Conference Committee on Judicial Conduct and Disability, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008). Complainant's remaining merits-related allegations 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

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(Filed: February 5, 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 5, 2026