

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-26-90011

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: June 1, 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 state prisoner and frequent pro se litigant, filed two pro se civil rights actions in 2019, which were referred to the Subject Judge beginning in early 2024.

During that time, Complainant was appointed pro bono counsel, the parties reached a settlement, the presiding District Judge ordered the case dismissed, and the referral to the Subject Judge concluded. Complainant later filed motions arguing that he did not receive settlement funds and requesting the withdrawal of pro bono counsel on grounds of ineffective assistance. The presiding District Judge denied the motions. Complainant has appealed, and the appeal remains pending.

This complaint of judicial misconduct alleges that pro bono counsel provided ineffective assistance to Complainant because Complainant did not receive the settlement funds, pro bono counsel did not withdraw from the case when requested, and pro bono counsel did not allow Complainant's cases to proceed to trial.¹ Complainant alleges that the Subject Judge denied Complainant access to the courts by failing to grant Complainant's post-settlement motions concerning the ineffective assistance of pro bono counsel.

To the extent Complainant's allegations are intended to challenge the denial of his motions claiming ineffective assistance of pro bono counsel, it is noted that the Subject Judge did not issue the ruling that resolved those motions.² Nonetheless, even if the Subject Judge had issued the ruling, the allegations are merits-related and therefore do not constitute cognizable misconduct. Rule 4(b)(1), Rules for Judicial-Conduct and Judicial-

¹ Pro bono counsel 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. Allegations of misconduct concerning this non-covered individual will not be addressed. See 28 U.S.C. §§ 351, 352(b)(1)(A)(i).

² As previously noted, the ruling was issued by the presiding District Judge. Complainant did not name the presiding Subject Judge in this complaint of judicial misconduct.

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 proper 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. There is no evidence that the Subject Judge denied Complainant access to the courts. 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

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-26-90011

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

ORDER

(Filed: June 1, 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: June 1, 2026