

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. No. 03-26-90014

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: June 15, 2026)

PRESENT: CHAGARES, Chief Judge.

This complaint is filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, 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, a former immigration detainee, filed through counsel a petition for writ of habeas corpus. Complainant has since been removed and seeks to have his habeas

matter reopened and his order of removal rescinded.¹ Complainant contends that the Subject Judge's grant of extensions of time to the government and putative failure to manage the case are indicative of bias.

To the extent Complainant seeks to challenge the Subject Judge's rulings in the habeas proceeding, the allegations are merits-related and therefore 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."). 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

¹ Complainant complains about the actions of Immigration Customs and Enforcement officials, federal prosecutors, and an Immigration Judge. These individuals are 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 these non-covered individual cannot be addressed here. See 28 U.S.C. §§ 351, 352(b)(1)(A)(i).

and Judicial-Disability Proceedings. Moreover, the Subject Judge did not issue the removal order that Complainant seeks rescinded.

Complainant also complains about the Subject Judge's putative delay. 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" Rule 4(b)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings. See also Commentary on Rule 4 ("[A] complaint of delay in a single case is excluded as merits-related.") Accordingly, Complainant's allegation of delay is subject to dismissal as merits-related as well. 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.²

Complainant's remaining allegations of bias are baseless. A review of the record reveals no evidence to support a claim of judicial misconduct, including alleged improper motive for any putative delay. Indeed, Complainant filed an amended habeas petition, and the Subject Judge granted one week of additional time for the government to respond to Complainant's filing. Thereafter the Subject Judge received a joint request to dismiss the habeas matter because the Immigration Court ordered Complainant removed and the deadline to file an administrative appeal had expired. 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.

² There is no allegation of habitual delay.

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

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ORDER

(Filed: June 15, 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 15, 2026