JUDICIAL COUNCIL OF THE THIRD CIRCUIT

J.C. Nos. 03-26-90038 and 03-26-90039

IN RE: COMPLAINT OF JUDICIAL MISCONDUCT
OR DISABILITY

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

MEMORANDUM OPINION

(Filed: July 14, 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 I") and a United States Circuit Judge ("Subject Judge II"). 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 plaintiff, filed a civil suit alleging that a local district attorney had violated his constitutional rights. Subject Judge I issued a deficiency order.

Complainant thereafter filed a motion to proceed in forma pauperis and consent to the jurisdiction of a magistrate judge. Subject Judge II then issued another order requiring Complainant to file service copies and indicated the case would remain administratively closed until compliance was received. To date, Complainant has not complied with this order.

Complainant alleges in this complaint of misconduct that Subject Judge I is trying to "cover" for the district attorney and impeding him from filing his complaint. Complainant implies some sort of influence by Subject Judge II on his civil suit and states that Subject Judge II "should give an answer the court" if he has anything "to do with this."[1]

To the extent Complainant seeks to challenge Subject Judge I's orders in the present administrative proceeding, Complainant's allegations are merits-related. 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 . . . ."); Commentary Rule 4(b)(1) ("Any allegation that calls into question the correctness of an official decision or procedural

[1] Complainant additionally makes claims about the defendant, former coworkers, local politicians, and a retired magistrate judge. Private individuals and retired judges are not covered by the Judicial Conduct and Disability Act, so allegations against them are not cognizable in this proceeding. See 28 U.S.C. §§ 351, 352(b)(1)(A)(i); Rule 1, Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant also seeks to file a complaint against a district judge who does not sit in this Circuit, and this complaint must be filed in the correct Circuit. See Rule 7, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

ruling of a judge – without more – is merits-related."). Complainant's 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.

Furthermore, a careful review of the record in Complainant's civil suit does not lend support to any of his claims of judicial misconduct. There is no evidence of bias, undue influence, or improper conduct.[2] Indeed, Subject Judge II is not involved with Complainant's civil suit in any capacity. 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 has filed prior 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, and 03-25-90141. Complainant was 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.[3] Nonetheless, Complainant proceeded to file the present

[2] Complainant's unsworn allegations against Subject Judge II have been considered under Rule 5, and I decline to identify a complaint based on these speculative and unsupported allegations. Rule 5, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

[3] 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

complaint. As Complainant appears to be engaged in abuse of the complaint procedure, a copy of this opinion will be transmitted to the Judicial Council to determine whether to issue an order to show cause why Complainant should not be enjoined from filing further complaints under the Judicial Conduct and Disability Act.

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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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.

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ORDER

(Filed: July 14, 2026)

PRESENT: CHAGARES, Chief Judge.

On the basis of 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.
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> 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: July 14, 2026