

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In the Matter of	*	No. 04-15-90009
Judicial Complaints	*	No. 04-15-90010
under 28 U.S.C. § 351	*	No. 04-15-90011
		No. 04-15-90012
		No. 04-15-90013
		No. 04-15-90014
		No. 04-15-90025
		No. 04-15-90026
		No. 04-15-90027
		No. 04-15-90028
		No. 04-15-90029
		No. 04-15-90030
		No. 04-15-90031
		No. 04-15-90032
		No. 04-15-90033
		No. 04-15-90034
		No. 04-15-90035
		No. 04-15-90036

MEMORANDUM AND ORDER

Complainant brings these judicial complaints pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, against all circuit judges of the Fourth Circuit and a district judge. The Judicial Council has found it to be in the interest of sound judicial administration to permit the chief judge to dispose of the complaints on the merits. See Rule 25(f), Rules For Judicial-Conduct and Judicial-Disability Proceedings.

Complainant alleges that all circuit judges in the circuit have engaged in misconduct by failing to perform their duties fairly and impartially in connection with complainant's appeals and

petitions for rehearing and rehearing en banc and that the district judge has failed in his duty of impartiality in connection with complainant's civil action. Complainant alleges that the judges have instead used the prestige of office to advance their own interests and those of their judicial colleagues.

Claims that are "[d]irectly related to the merits of a decision or procedural ruling" are not subject to review through a complaint of judicial misconduct or disability. 28 U.S.C. § 352(b)(1)(A)(ii). To avoid the merits-related bar, a misconduct claim must contain "clear and convincing evidence of a judge's arbitrary and intentional departure from prevailing law based on his or her disagreement with, or willful indifference to, that law." In re Memorandum of Decision of Judicial Conference Committee on Judicial Conduct and Disability, 517 F.3d 558, 562 (U.S. Jud. Conf. 2008).

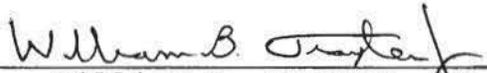
Misconduct may also be based upon a showing that the judge's ruling was motivated by racial or ethnic bias or other improper motive, but the claim must be supported by sufficient evidence to raise an inference that misconduct has occurred and cannot be based on mere speculation. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings; In re Doe, 2 F.3d 308 (8th Cir. 1993) (judicial complaint process may not be used to pursue speculative claims).

Complainant's broad allegations that the judges have been influenced by state and federal officials, politicians, banks,

businesses, and judicial colleagues, and that they have decided complainant's cases based on racial bias and personal interest are without factual basis either in the complaint or in the records of complainant's cases. The judges acted in accordance with prevailing law, and complainant's disagreement with their rulings and speculation about their motives cannot support her misconduct claims.

These judicial complaints are, accordingly, dismissed as merits-related and lacking in factual support. 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
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William B. Traxler, Jr.  
Chief Judge