

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In the Matter of	*	
Judicial Complaints	*	Nos. 04-15-90018 04-15-90019 04-15-90020
Under 28 U.S.C. § 351	*	04-15-90021

MEMORANDUM AND ORDER

Complainant brings these judicial complaints, pursuant to 28 U.S.C. § 351(a), against the three circuit judges who denied his 28 U.S.C. § 2244 motion and the district judge who dismissed his civil rights action. Section 351(a) provides an administrative remedy for "conduct prejudicial to the effective and expeditious administration of the business of the courts" and for judicial inability to "discharge all the duties of office by reason of mental or physical disability."

Complainant alleges that the circuit judges violated their oaths, ignored Supreme Court decisions, and deprived complainant of his right to utilize state procedures to get his conviction overturned. He makes the same allegations against the district judge regarding the dismissal of his civil rights action.

The Judicial Conduct and Disability Act provides a means to review claims relating to a judge's conduct; it does not permit review of a judge's decisions. Allegations that are "[d]irectly

related to the merits of a decision or procedural ruling" cannot be raised through a judicial misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii).

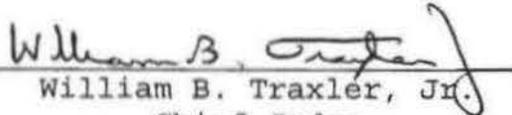
The judicial complaint procedures permit review of a claim that a judicial decision is "the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias," but only to the extent of challenging the improper motive as opposed to the decision itself. Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Such a charge must be supported by "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant's allegations of misconduct are based upon the judges' decisions denying his 28 U.S.C. § 2244 motion and denying his 42 U.S.C. § 1983 complaint. Although complainant claims that the decisions demonstrate misconduct, the case records provide no support for the claim and, in fact, demonstrate the judges' proper and regular discharge of their duties. Complainant's disagreement with the judges' decisions is not evidence of judicial misconduct.

Accordingly, these judicial complaints are dismissed as directly related to the merits of the judges' rulings and

failing to present evidence of disability or misconduct. See 28  
U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
\_\_\_\_\_  
William B. Traxler, Jr.  
Chief Judge