

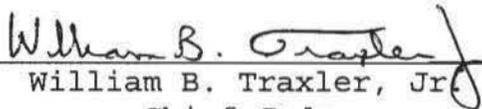
The Judicial Conduct and Disability Act provides a means to review claims relating to a judge's conduct; it does not permit review of a judge's decisions. Allegations that are "[d]irectly related to the merits of a decision or procedural ruling" cannot be raised through a judicial misconduct complaint. 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), and cannot be based simply on disagreement with the judge's decision. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant supports his claim of fabricated DEA evidence by submitting the DEA's response to a Freedom of Information Act (FOIA) request, in which the DEA stated that no written statements by complainant had been located in response to his request. The DEA's FOIA response does not alter the testimony presented at trial and forms no basis for a claim that the judge engaged in misconduct.

Complainant has also failed to present any evidence supporting his claim of vindictiveness. The transcripts and other records in complainant's criminal case disclose no decisions, rulings, or actions by the judge that could be interpreted as vindictive, and complainant has offered no basis for his allegation.

This complaint is, accordingly, dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge