

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In the Matters of	*	Nos.	04-15-90052
Judicial Complaints	*		04-15-90053
Under 28 U.S.C. § 351	*		

MEMORANDUM AND ORDER

Complainant brings these judicial complaints against a federal district judge and a federal magistrate judge pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364. The Act 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." 28 U.S.C. § 351(a).

Complainant filed suit under Title VII and the Equal Pay Act alleging discrimination on the basis of race and gender, retaliation for engaging in protected activity, and denial of equal pay. Following entry of summary judgment in favor of defendants, complainant noted an appeal, which is currently pending before the court of appeals. She also filed judicial complaints against the district judge and magistrate judge, alleging that the judges demonstrated bias against her by:

- not allowing her to file a second amended complaint;

- not finding the defendants in default;
- granting the defendants' motion for summary judgment because her response was not in proper format;
- permitting the defendants to take advantage of her during discovery;
- not treating her equally due to her socio-economic status;
- allowing defense counsel to intimidate her;
- showing disdain for her as a pro se litigant by denying her motions and always ruling in favor of the defendants; and
- making numerous other biased rulings that, overall, created a heinous and venomous situation.

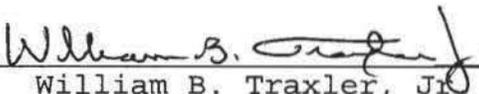
The Judicial Conduct and Disability Act provides a means to review claims relating to a judge's conduct; it does not permit review of a judge's decisions. Allegations that are "[d]irectly related to the merits of a decision or procedural ruling" cannot be raised through a judicial misconduct complaint.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

Here, complainant's allegations of bias are based solely on the judges' rulings and decisions. "Although allegations of judicial bias, collusion with a party, or other improper motive are not necessarily merits-related, such allegations must be dismissed as merits-related when the only support for the allegation of bad acts or motive is the merits of the judge's ruling." In re Doe, 640 F.3d at 873. Complainant's dissatisfaction with the judges' rulings is not evidence of judicial misconduct.

These complaints are, accordingly, dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
William B. Traxler, Jr.  
Chief Judge