

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In the Matters of	*	
Judicial Complaints	*	Nos. 04-15-90057 04-15-90058
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 28 U.S.C. § 351(a), which 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 filed a complaint in district court alleging Freedom of Information Act and civil rights violations by the clerk of court. The complaint alleged that the clerk erroneously informed complainant that a case he inquired about was not on file in that court. The complaint was referred to a magistrate judge, who recommended that it be dismissed without prejudice. That recommendation was adopted by the district judge, and the district judge's decision was affirmed on appeal.

Complainant files these judicial complaints against the magistrate judge and district judge who recommended that his complaint be dismissed and who dismissed his complaint, respectively. For his statement of facts, complainant attaches documents from the district court docket, documents from the court of appeals docket, and copies of articles and correspondence.

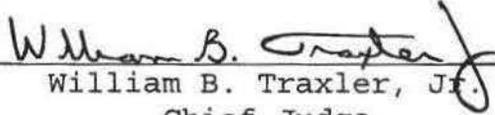
Allegations that are "[d]irectly related to the merits of a decision or procedural ruling" cannot be raised under the Judicial Conduct and Disability Act, except to the extent they present evidence that the ruling resulted from an improper motive, such as racial or ethnic bias. Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings; see 28 U.S.C. § 352(b)(1)(A)(ii). A claim that a ruling is based on an improper motive must be supported by "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii). Disagreement with the judge's rulings and speculation about the judge's motivation are inadequate to state a claim for judicial misconduct or disability. See In re Doe, 2 F.3d 308 (8th Cir. 1993).

It appears from the correspondence attached to complainant's judicial complaints that he believes the judges' decisions were discriminatory and part of a cover-up. The complaints fail, however, to present evidence of ill motive,

bias, collusion, or other misconduct on the part of either judge, and nothing in the district court record supports an inference of misconduct.

Accordingly, these judicial complaints are dismissed as merits-related and frivolous. See 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
William B. Traxler, Jr.  
Chief Judge