

- 2) dismissed his complaint in order to protect the prison and its staff;
- 3) demonstrated bias against complainant; and
- 4) violated complainant's constitutional rights.

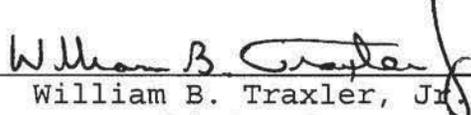
The Judicial Conduct and Disability Act excludes from its coverage allegations that are "[d]irectly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii). Allegations that call into question the correctness of a judge's ruling are subject to dismissal as merits related except to the extent they allege the decision resulted from improper motive. Rule 3(h)(3), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Any claim of improper motive must be supported by sufficient evidence to raise an inference of misconduct. 28 U.S.C. § 352(b)(1)(A)(iii); In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant's allegations concerning the judge's dismissal of his complaint are directly related to the merits of the judge's decision. Although complainant alleges bias on the part of the district judge, he offers no evidence to support the allegations other than the judge's rulings.

Complainant's allegations of misconduct, being based solely upon the substance of the judge's rulings, must be dismissed as merits related and lacking in factual support. Complainant's allegations are properly raised in his appeal, not through the judicial misconduct process.

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

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge