

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matters of	*	
Judicial Complaints	*	Nos. 04-15-90062 04-15-90063
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." These are the third complaints brought against these two judges by this complainant.

Complainant filed a complaint in federal district court alleging that his constitutional rights were violated during a proceeding in state 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

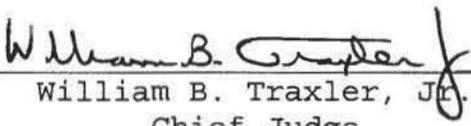
complaint be dismissed and who dismissed his complaint, respectively. Complainant alleges generally that he has been the victim of discrimination, breach of trust, cover-up, and conspiracy. He attaches correspondence and documents from his case record in support of his allegations.

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).

These judicial complaints fail to present evidence to suggest that the district judge or the magistrate judge has engaged in discrimination, conspiracy, collusion, or other misconduct, 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