

Complainant now files this judicial complaint in which he references the § 2255 action and alleges that the district judge and magistrate judge should have known that their conduct violated his constitutional rights and subjected him to slavery.

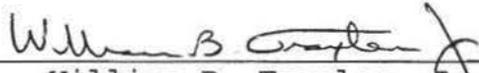
Allegations that are "[d]irectly related to the merits of a decision or procedural ruling" cannot be raised under the Judicial Conduct and Disability Act, except to the extent they present evidence that the ruling resulted from an improper motive, such as racial or ethnic bias. Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings; see 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant's allegation that the judges' decisions violated his constitutional rights is directly related to the merits of the judges' rulings. Complainant has alleged only that the decisions failed to protect his constitutional rights, not that they were prompted by any improper motive on the part of the judges. Such a claim must be pursued through appeal rather than through a judicial misconduct complaint.

petitions in the court of appeals, complaining of delay in the adjudication of his § 2255 motion. Both petitions were denied. Complainant did not appeal from the denial of his 28 U.S.C. § 2255 motion.

Accordingly, this judicial complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) as directly related to the merits of the judges' rulings.²

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge

² In addition, action on the complaint as to the former magistrate judge is no longer necessary in light of his retirement.