

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matter of	*	
Judicial Complaints	*	Nos. 04-15-90083 04-15-90084 04-15-90085
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

Complainant brings these judicial complaints against three federal circuit judges 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).

After the district court denied complainant's petition for habeas corpus relief challenging his extradition, complainant appealed to the court of appeals. A panel of three circuit judges affirmed the district court's denial of relief. Complainant also appealed the district court's denial of bond pending review of his habeas corpus petition. The circuit judges dismissed complainant's bond appeal as moot on the basis

that complainant's habeas corpus petition had been denied and the denial affirmed on appeal.

Complainant alleges in his judicial complaint that he has only been named as a suspect, not charged with an offense, and is therefore not subject to extradition. He claims that the judges have shamelessly ignored this point and relied on inaccurate translations of documents to unlawfully detain and extradite him. Complainant claims that he is a victim of lies, discrimination, and corruption. Complainant also alleges that all orders need to be properly explained and signed by the judges or the clerk, and that orders denying his motion to attend argument and his petition for rehearing contained no explanation and bore only a typed signature.

The Judicial Conduct and Disability Act excludes from its coverage misconduct allegations that are "[d]irectly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii). A misconduct claim cannot be based simply on dissatisfaction with the judges' decisions. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011). Rather, a claim of misconduct requires "clear and convincing evidence of a judge's arbitrary and intentional departure from prevailing law based on his or her disagreement with, or willful indifference to, that law," In re Memorandum of Decision, 517 F.3d 558, 562 (U.S. Jud. Conf. 2008), or evidence that the decision was "the result of an

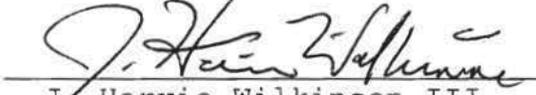
improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias." Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant's dissatisfaction with the judges' decisions is unaccompanied by any evidence that the judges exhibited willful indifference to the law or that their decisions were motivated by improper considerations. Complainant's allegation that the judges failed to provide a statement of reasons in the orders denying his motion to attend argument and his petition for rehearing is, likewise, a merits-related allegation that fails to raise a claim of misconduct. See In re Memorandum of Decision, 517 F.3d 558, 561 (Jud. Conf. 2008) (failure to give reasons for a decision is a merits issue not cognizable under the Act). Complainant's allegation that orders in his case lacked a proper signature is a challenge to the court's rules rather than to the conduct of its judges. See 4th Cir. R. 25(a)(5) ("Any order or other Court-issued document filed electronically without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy of the order.").

Accordingly, these judicial complaints are dismissed as related to the merits of the judges' decisions and as failing to present evidence of judicial misconduct. 28 U.S.C.

§ 352(b)(1)(A)(ii) & (iii). Complainant's request for subpoenas is denied.

IT IS SO ORDERED.


J. Harvie Wilkinson III
Circuit Judge*

* Acting pursuant to Rule 25(f), Rules for Judicial-Conduct and Judicial-Disability Proceedings.