



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). If a judicial complaint alleges "improper conduct in rendering a decision or ruling, such as personally derogatory remarks irrelevant to the issues, the complaint is not cognizable to the extent it attacks the merits." Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant has submitted an exhibit describing the "eBay/PayPal Complete Law Enforcement Guide" to support his allegation that PayPal set him up. This Guide, which is available on the Internet, informs PayPal's "law enforcement partners" about what information is available, publicly or through subpoena, regarding its users. PayPal's publication of this Guide does not support complainant's claim that PayPal set him up. The judge's description of this claim as paranoid was relevant and reasonable. Although complainant may disagree with the judge's conclusion, he has not established improper conduct.

With respect to the order denying complainant's motion for reconsideration of his new trial motion, neither the caption nor the reasons given by the judge for denying the motion raise a misconduct issue. See In re Memorandum of Decision, 517 F.3d 558, 561-62 (Jud. Conf. 2008) ("giving or not giving of reasons

for a particular decision, like the reasons themselves, should not be the subject of a misconduct proceeding").

Accordingly, this complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) as related to the merits of the judge's decisions and as failing to establish misconduct.

IT IS SO ORDERED.

  
J. Harvie Wilkinson III\*  
Chief Judge

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