

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matter of a *
Judicial Complaint * No. 04-15-90100
Under 28 U.S.C. § 351 *

MEMORANDUM AND ORDER

Complainant brings this judicial complaint against a district judge 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 being charged with a federal offense in another district, complainant came before the district judge to determine whether he should be committed to the custody and care of the Attorney General pursuant to 18 U.S.C. § 4246. The district judge ordered complainant committed pursuant to 18 U.S.C. § 4246, and complainant's appeal of that order is currently pending in the court of appeals.

Complainant alleges that the judge refuses to fight the war on crime or the war on racism. Complainant asserts that criminal propaganda is used for civil commitment and that the government is engaged in outrageous conduct.

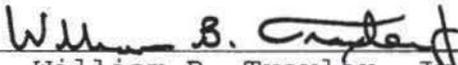
The Judicial Conduct and Disability Act provides a remedy for judicial conduct that is prejudicial to the effective and expeditious administration of the business of the courts. A complaint must be dismissed if it does not allege conduct prejudicial to the effective and expeditious administration of the business of the courts, if it is directly related to the merits of a decision or procedural ruling, if it is frivolous, or if it is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred. Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant's allegations that the judge refuses to fight the war on crime or the war on racism are conclusory and fail to state a claim for judicial misconduct. To the extent complainant seeks to challenge the judge's ruling in his case, that challenge must be pursued through appeal rather than through a judicial complaint.

Accordingly, this judicial complaint is dismissed for failure to state a claim, as merits-related, and as frivolous.

28 U.S.C. § 352(b)(1)(A)(i), (ii) & (iii); Rule 11(c)(1)(A)-(D),
Rules for Judicial-Conduct and Judicial-Disability Proceedings.

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge