

Complainant alleges in his judicial complaint that the magistrate judge engaged in judicial misconduct by acting as judge and jury in his case and erroneously finding that the force used was not excessive under the circumstances.

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. Excluded from coverage under the Act are allegations that are "[d]irectly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii). Inserting misconduct proceedings into the adjudicative process would cause the process to be far less effective and expeditious. In re Memorandum of Decision, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008).

Complainant's judicial misconduct claim is directly related to the merits of the magistrate judge's recommendation. It is a claim of error, rather than misconduct, and must be pursued through the adjudicative process rather than through the judicial complaint process. Complainant has raised his disagreement with the magistrate judge's recommendation through objections filed in the district court, and any final decision of the district court can be challenged through appeal. His disagreement with the magistrate judge's recommendation does

not, however, provide grounds for a judicial misconduct complaint.

Accordingly, this judicial complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii).

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge