

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In the Matters of	*	Nos.	04-15-90109
Judicial Complaints	*		04-15-90110
Under 28 U.S.C. § 351	*		

MEMORANDUM AND ORDER

Complainant brings these judicial complaints alleging misconduct by a district judge and a magistrate judge in complainant's civil rights action. The Judicial Conduct and Disability 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).

Complainant filed a civil rights action in the district court alleging deliberate indifference to a serious knee injury complainant suffered while in federal prison.

Complainant alleges that the judges:

- were biased against complainant and favored the defendants;
- did not act in accordance with judicial ethics;
- accepted a bribe in order to decide the case in a particular way;

- acted contrary to due process principles; and
- sent decisions to complainant in an envelope that had been tampered with as evidenced by the previous address of the district court being scratched out on the envelope, and the post office box number for the district court being written instead.

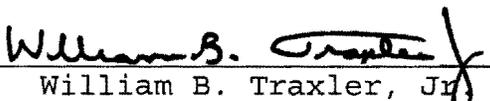
The Judicial Conduct and Disability Act provides a means to review claims relating to a judge's conduct; it does not permit review of a judge's decisions. Allegations that are "[d]irectly related to the merits of a decision or procedural ruling" cannot be raised through a judicial misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii). The judicial complaint procedures permit review of a claim that a judicial decision is "the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias," but only to the extent of challenging the improper motive as opposed to the decision itself. Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Such a charge must be supported by "sufficient evidence to raise an inference that misconduct has occurred," 28 U.S.C. § 352(b)(1)(A)(iii), and cannot be based simply on dissatisfaction with the judges' decisions. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant has not presented any evidence that the judges were biased or unethical or that they accepted a bribe. Rather, believing that the judges should have found in his favor,

complainant concludes that they could not have reached the opposite decision unless they were biased, unethical, or corrupt. The record in complainant's case demonstrates that the judges carried out their charge to conduct the case in accordance with due process and to review and decide complainant's claims under the applicable law. Complainant's allegation regarding changes in the return address on the court's envelope fails to present an issue of judicial misconduct.

Complainant's dissatisfaction with the judges' rulings must be pursued through appeal, rather than through a judicial complaint. These complaints are, accordingly, dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
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William B. Traxler, Jr.  
Chief Judge