

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In the Matter of	*	Nos.	04-15-90112
			04-15-90113
Judicial Complaints	*		04-15-90114
			04-15-90115
Under 28 U.S.C. § 351	*		04-15-90116

MEMORANDUM AND ORDER

Complainant brings these judicial complaints against two circuit judges, two district judges, and a magistrate 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).

Complainant was convicted in state court on charges of second degree burglary and grand larceny. His conviction was upheld by the state courts on appeal and post-conviction review. Complainant's federal habeas corpus petition was assigned to one of the district judges who is now the subject of complainant's judicial complaint. The district judge denied relief, and complainant's appeal of that denial was assigned to a three-

judge panel that included one of the circuit judges who is now a subject of complainant's judicial complaint.

Complainant previously filed judicial complaints against the district judge who denied his habeas petition and the circuit judge who participated in the denial of relief on appeal, alleging bias and conflict of interest. Those complaints were dismissed as lacking in factual support by another circuit judge, who is now a subject of the current judicial misconduct complaint.

Complainant then filed a civil action in district court alleging that he was entitled to a full and fair due process hearing to address issues of fabrication of evidence, prosecutorial misconduct, juror and judicial misconduct, denial of counsel, involuntary plea, and conspiracy by counsel to violate civil rights. The magistrate judge named in this judicial complaint recommended that relief be denied, and another district judge, also named in this judicial complaint, adopted that recommendation and dismissed the civil action.

Complainant brings the following allegations in his current misconduct complaints against the two circuit judges, two district judges, and magistrate judge:

- 1) All five judges conspired with the state attorney general to deprive complainant of the equal protection of the laws, as shown by the record of complainant's cases;

- 2) All five judges are biased, as shown by the fact that they have never granted habeas corpus relief;
- 3) The judges have deliberately misconstrued his claims in order to deny relief;
- 4) The judges have failed to disclose their Masonic ties and relationships to counsel in the state attorney general's office; and
- 5) The judges have attempted to shield documented misconduct of state court judges.

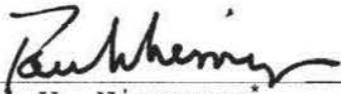
The Judicial Conduct and Disability Act provides a means to review claims relating to a judge's conduct; it does not permit review of a judge's decisions. Allegations that are "[d]irectly related to the merits of a decision or procedural ruling" cannot be raised through a judicial misconduct complaint. 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).

Complainant has filed five prior judicial complaints over the past year, raising similar allegations of conspiracy and bias, all of which have been dismissed. Nos. 04-14-90091(L), In

re Judicial Complaints (Oct. 6, 2014); No. 04-15-90077, In re Judicial Complaint (June 17, 2015); Nos. 04-15-90101(L), In re Judicial Complaints (Aug. 12, 2015). As in his previous complaints, complainant has failed to support his current allegations of conspiracy, bias, and favoritism with facts that would give rise to an inference of misconduct. Neither the allegations of his complaint nor his case records establish a conspiracy to violate equal protection, misconstrue his claims, violate due process, or protect judicial colleagues or attorneys. Complainant's conviction that he has been unfairly imprisoned and denied the protection of the laws establishes his disagreement with the judges' decisions but fails to establish judicial misconduct.

These judicial complaints are therefore dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
\_\_\_\_\_  
Paul V. Niemeyer  
Circuit Judge

---

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