

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matter of a	*	
Judicial Complaint	*	No. 04-15-90117
Under 28 U.S.C. § 351	*	04-15-90121

MEMORANDUM AND ORDER

Complainant brings these judicial complaints against a federal district judge and a federal magistrate judge pursuant to 28 U.S.C. § 351(a), which 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."

Complainant filed an action in district court alleging wire fraud, identity theft, and violation of postal regulations. The district judge dismissed the complaint pursuant to 28 U.S.C. § 1915(e)(2) because he could not discern any cognizable claim. Complainant filed a motion to reopen the case, which was also denied by the district judge. According to the district court docket, the magistrate judge took no action in the case.

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). A misconduct complaint 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 judge's decisions. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant has presented no evidence of misconduct by either the district judge or the magistrate judge. The record of the case referenced in the complaint contains no evidence of misconduct by either judge. Although complainant may be dissatisfied with the dismissal of his case, he cannot seek review of that decision through the judicial complaint process.

Accordingly, this complaint is dismissed as merits related and as lacking in evidence of misconduct. 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.


William B. Traxler, Jr.
Chief Judge