

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matters of	*	Nos.	04-15-90122
			04-15-90123
Judicial Complaints	*		04-15-90124
			04-15-90125
Under 28 U.S.C. § 351	*		04-15-90126
			04-15-90127
			04-15-90128
			04-15-90129
			04-15-90130
			04-15-90131
			04-15-90132
			04-15-90133
			04-15-90134

MEMORANDUM AND ORDER

In September 2015, complainant brought thirteen judicial complaints against five judges under the Judicial Conduct and Disability Act, alleging judicial conduct "prejudicial to the effective and expeditious administration of the business of the courts" and judicial inability to "discharge all the duties of office by reason of mental or physical disability." 28 U.S.C. § 351(a).

The complaints arise out of numerous civil actions filed by complainant in two district courts within the Circuit and various filings made by complainant in a bankruptcy court within the Circuit. Complainant has not prevailed in any of his cases, and all three courts have imposed pre-filing injunctions to bar

his frivolous and repetitive filings. Complainant recently moved to reopen all his cases based on fraud; his motions were denied in all three courts.

He then filed these judicial complaints, and the following numbers were assigned to his complaints against the judges named in each filing:

- For the consolidated complaint filed September 1, 2015, against District Judges 1 through 4 and Bankruptcy Judge 5:
 - Case number 04-15-90122 was assigned to the complaint against District Judge 1;
 - Case number 04-15-90123 was assigned to the complaint against District Judge 2;
 - Case number 04-15-90124 was assigned to the complaint against District Judge 3;
 - Case number 04-15-90125 was assigned to the complaint against District Judge 4; and
 - Case number 04-15-90126 was assigned to the complaint against Bankruptcy Judge 5.

- For the individual complaint filed September 8, 2015, against District Judge 3, case number 04-15-90127 was assigned.

- For the consolidated complaint filed September 15, 2015, against District Judge 3 and Bankruptcy Judge 5:
 - Case number 04-15-90128 was assigned to the complaint against District Judge 3; and
 - Case number 04-15-90129 was assigned to the complaint against Bankruptcy Judge 5.

- For the individual complaint filed September 15, 2015, against Bankruptcy Judge 5, case number 04-15-90130 was assigned.

- For the consolidated complaint filed September 15, 2015, against District Judge 1 and District Judge 4:
 - Case number 04-15-90131 was assigned to the complaint against District Judge 1; and

- Case number 04-15-90132 was assigned to the complaint against District Judge 4.
- For the consolidated complaint filed September 22, 2015, against District Judge 3 and Bankruptcy Judge 5:
 - Case number 04-15-90133 was assigned to the complaint against District Judge 3; and
 - Case number 04-15-90134 was assigned to the complaint against Bankruptcy Judge 5.¹

Complainant makes the following allegations against the judges:

- use of the judicial office to benefit friends and relatives;
- racial and gender bias against complainant;
- diminished mental and physical capacity due to medication and advanced age;
- performance of judicial duties by law clerks due to diminished mental capacity of judge;
- improper failure to recuse;
- conspiracy with state and federal officials;
- ex-parte communications with state and federal officials;
- improper imposition of pre-filing injunctions;
- denial of access to the courts;
- refusal to acknowledge criminal conduct by others;
- allowance of fraud on the court; and

¹ Complainant included references to additional judges in the body of his complaints; however, no facts were set forth showing misconduct by any judges, whether or not named as subjects of the complaints.

- egregious and hostile treatment of complainant.

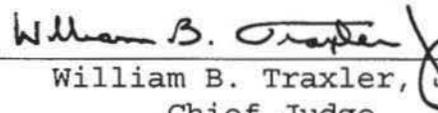
Under 28 U.S.C. § 352(b)(1)(A)(ii), judicial misconduct claims that are "[d]irectly related to the merits of a decision or procedural ruling" are not subject to review under the Judicial Conduct and Disability Act. The merits-related bar does not prevent review of a claim of bias, preferential treatment, ex parte communication, conspiracy, incapacity, fraud, or egregiously hostile treatment. However, such claims must be supported by sufficient evidence to raise an inference that misconduct has occurred and cannot be based on speculation. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings; In re Doe, 2 F.3d 308 (8th Cir. 1993). Dissatisfaction with the judge's rulings is not evidence of misconduct. See In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Here, complainant has filed multiple judicial complaints against the judges who have denied and dismissed his claims in district and bankruptcy court. Although the complaints charge a variety of grounds for misconduct and disability, the allegations lack factual support, and nothing in the records of complainant's cases suggests any misconduct or disability on the part of the judges. Complainant's belief that he has been

wronged by the decisions against him is not evidence of misconduct and disability.

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

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge