

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matter of	*	
Judicial Complaints	*	Nos. 04-15-90135
Under 28 U.S.C. § 351	*	04-15-90136
		04-15-90137

MEMORANDUM AND ORDER

Complainants bring these judicial complaints against three appellate judges 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."

The complaints name the panel of appellate judges that affirmed the district court's decision reducing to judgment certain federal tax assessments for unpaid tax liabilities. Complainants filed informal briefs on appeal raising several issues, as to which appellee responded and complainants replied. The appellate panel reviewed the record and, finding no reversible error, affirmed the decision on the reasoning of the district court.

Complainants allege in their judicial complaints that the judges failed to identify the issues presented on appeal, articulate the reasoning in support of their decision, follow the decisions of the Supreme Court and the Fourth Circuit, apply the Federal Rules of Civil Procedure, or take adequate time to consider the case. Complainants suggest that the judges must suffer from mental disability.

Allegations of misconduct or disability 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. 28 U.S.C. § 352(b)(1)(A)(ii).

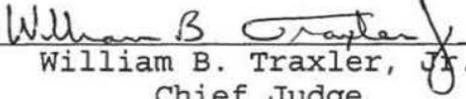
The Act is intended to further "the effective and expeditious administration of the business of the courts." It would be entirely contrary to that purpose to use a misconduct proceeding to obtain redress for—or even criticism of—the merits of a decision with which a litigant or misconduct complainant disagrees.

In re Memorandum of Decision, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008). The "failure of a judge to give reasons for a decision" is viewed as "a merits issue regarding that decision." Id. Where, as here, the panel's decision is the only evidence offered to support a claim of disability, the complaint fails to raise a cognizable claim under the Act.

As these judicial complaints fail to present any evidence of disability and simply challenge the merits and timing of the panel's opinion, they must be dismissed pursuant to 28 U.S.C.

§ 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge