

complainant's civil rights action, and complainant's appeal is pending in the court of appeals.

Complainant filed this judicial complaint alleging that the judge dismissed the case in order to protect the Chief Deputy U.S. Marshal and other defendants. Complainant further alleged that the judge was retaliating for a previous judicial misconduct complaint filed against her, that she engaged in ex parte communication, and that she was part of an overt conspiracy with the defendants.

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 claim that a judicial decision is "the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias," is reviewable, 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.

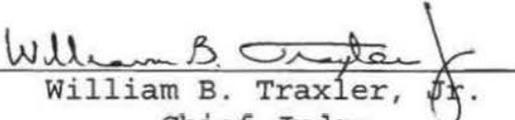
Allegations of judicial bias, collusion with a party, or other improper motive "must be dismissed as merits-related when the only support for the allegation of bad acts or motive is the merits of the judge's rulings." In re Doe, 640 F.3d 869, 873 (8th Cir. 2011). To avoid dismissal, the complaint must present

"sufficient evidence to raise an inference that misconduct has occurred." See 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant alleges no facts to support his allegations that the judge's decision was motivated by a desire to protect her fellow officials or to retaliate against complainant for a prior complaint. Nor does complainant present any facts to support his allegations of ex parte communication or conspiracy. The record in complainant's case contains nothing from which any improper motive or conduct on the part of the judge can be inferred.

There appearing no factual basis for complainant's allegations of misconduct, this judicial complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge