

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 complaint of delay in a particular case is directly related to the merits of a judicial ruling because it challenges "the correctness of an official action." Commentary on Rule 3, Rules for Judicial-Conduct and Judicial-Disability Proceedings, at 6.

A claim that a judicial decision, or the timing of a judicial decision, is "the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias, or improper conduct" is reviewable, but only to the extent of challenging the improper motive or conduct as opposed to the decision itself. Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

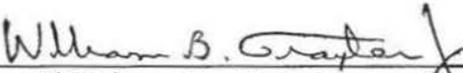
Allegations of improper motive "must be dismissed as merits-related when the only support for the allegation of bad acts or motive is the merits of the judge's rulings." In re Doe, 640 F.3d 869, 873 (8th Cir. 2011). To avoid dismissal, the complaint must present "sufficient evidence to raise an inference that misconduct has occurred." See 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant alleges only that the judge should have ordered service of his complaint and that her failure to do so establishes improper motive. Where, as here, the judge's

decision, or its timing, is the only evidence offered for an allegation of improper motive, the claim of misconduct must be dismissed as merits related and lacking in factual support.

This judicial complaint is, accordingly, dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge