

complainant again returned to Texas. On May 4, 2015, complainant was placed on a 30-day travel restriction by his doctor for medical reasons. On May 28, 2015, having previously granted several defense motions for continuance, the district judge ordered complainant evaluated for the purpose of determining his fitness to travel and his competency to stand trial. A status hearing was held on September 22, 2015, at which medical reports were submitted and complainant appeared by video-conference. The district judge ruled that complainant's medical problems did not prevent his travel to stand trial and scheduled complainant's trial for December 7-9, 2015. The judge also scheduled a pre-trial conference for October 13, 2015, at which complainant's appearance is required.

Complainant alleges in his judicial complaint that the three medical reports submitted to the court at the status hearing all stated that complainant should not travel and that the district judge engaged in misconduct by requiring his appearance in the face of this medical evidence.

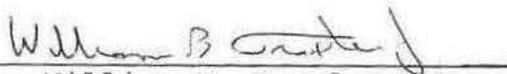
The Judicial Conduct and Disability Act excludes from its coverage allegations that are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii). Allowing judicial decisions to be challenged through judicial misconduct proceedings "would raise serious constitutional issues regarding judicial independence under Article III of the Constitution." In re Memorandum of Decision of Judicial

Conference Committee on Judicial Conduct and Disability, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008). 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's challenge to the judge's decision to schedule trial for December 7-9, 2015, despite his medical evidence, is a challenge to the judge's decision, not to the judge's conduct. Complainant has alleged no misconduct by the district judge apart from his dissatisfaction with the judge's rulings.

Accordingly, this judicial complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) as directly related to the merits of the judge's rulings and as lacking in factual support for a claim of misconduct.

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge