

description of his allegations in the order: "[Complainant] also made seven attempts to sue the FBI, CIA, . . . for conspiracy to commit murder, but correctional officers at his facility thwarted his efforts. Compl. at 16." (District court order at 4). Complainant states that his district court complaint actually alleged that he made seven attempts "to see the FBI, CIA, . . . to file charges of conspiracy to commit murder and attempts to commit murder" but his attempts were blocked by correctional officers. (District court complaint at 16).

Complainant alleges either that the judge included the false statement for improper personal reasons or that someone outside the court prepared the order and included the false statement.* Complainant asks that the district judge be required to identify to the appropriate investigative agency the circumstances leading to inclusion of the false statement and the identity of the person who prepared the order, that the order be voided, and that the judge recuse herself.

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). The reasoning used in a judge's decision, like the decision itself,

* Complainant filed a motion to recuse in which he made similar allegations. The district judge denied the motion.

is not the proper subject of a misconduct proceeding. See In re Memorandum of Decision of Judicial Conference Comm. on Judicial Conduct & Disability, 517 F.3d 558, 561-62 (U.S. Jud. Conf. 2008)

A claim that 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 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 allegation of improper motive on the part of the judge or improper participation by someone else in preparation of the order. The language used in the order is not, itself, evidence of improper motive or outside influence. 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