

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matters of	*	Nos.	04-15-90147
			04-15-90148
Judicial Complaints	*		04-15-90149
			04-15-90150
Under 28 U.S.C. § 351	*		04-15-90151
			04-15-90152
			04-15-90153
			04-15-90154
			04-15-90155
			04-15-90156
			04-15-90157
			04-15-90158
			04-15-90159
			04-15-90160

MEMORANDUM AND ORDER

Complainant brought fourteen judicial complaints against eight judges during the first two weeks of October, alleging judicial conduct "prejudicial to the effective and expeditious administration of the business of the courts" and judicial inability to "discharge all the duties of office by reason of mental or physical disability." 28 U.S.C. § 351(a).

Like the thirteen judicial complaints filed by complainant in September, these complaints arise out of numerous civil actions filed by complainant in two district courts within the Circuit and various filings made by complainant in a bankruptcy court within the Circuit. Complainant has not prevailed in any

of his cases, and all three courts have imposed pre-filing injunctions to bar his frivolous and repetitive filings. Complainant recently moved to reopen his cases based on fraud; his motions were denied in all three courts.

He then filed these judicial complaints, and the following numbers were assigned to his complaints against the judges named in each filing:

- For the consolidated complaint filed October 7, 2015, against District Judge 1, District Judge 5, and Bankruptcy Judge 7:
 - Case number 04-15-90147 was assigned to the complaint against District Judge 1;
 - Case number 04-15-90148 was assigned to the complaint against District Judge 5; and
 - Case number 04-15-90149 was assigned to the complaint against Bankruptcy Judge 7.

- For the consolidated complaint filed October 7, 2015, against District Judges 1 through 6, Bankruptcy Judge 7, and Magistrate Judge 8:
 - Case number 04-15-90150 was assigned to the complaint against District Judge 1;
 - Case number 04-15-90151 was assigned to the complaint against District Judge 2;
 - Case number 04-15-90152 was assigned to the complaint against District Judge 3;
 - Case number 04-15-90153 was assigned to the complaint against District Judge 4;
 - Case number 04-15-90154 was assigned to the complaint against District Judge 5;
 - Case number 04-15-90155 was assigned to the complaint against District Judge 6;
 - Case number 04-15-90156 was assigned to the complaint against Bankruptcy Judge 7; and
 - Case number 04-15-90157 was assigned to the complaint against Magistrate Judge 8.

- For the consolidated complaint filed October 13, 2015, against District Judge 1, District Judge 5, and Bankruptcy Judge 7:
 - Case number 04-15-90158 was assigned to the complaint against District Judge 1;
 - Case number 04-15-90159 was assigned to the complaint against District Judge 5; and
 - Case number 04-15-90160 was assigned to the complaint against Bankruptcy Judge 7.

Complainant alleges that the judges' acts of misconduct included the following:

- fraud on the court;
- racial and gender bias against complainant;
- personal bias in favor of defendants;
- ex parte communication;
- illegal delay of proceedings;
- deprivation of appeal rights;
- unlawful restriction of access to the courts;
- illegal gatekeeping;
- financial conflicts of interest;
- illegal conspiracy and cover-up;
- corruption; and
- misrepresentation.

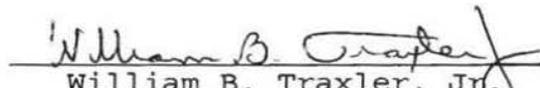
Allegations that are "[d]irectly related to the merits of a decision or procedural ruling" cannot be raised through a judicial misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii). A claim that a judicial decision is "the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias, or improper conduct" 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).

Here, complainant has filed multiple judicial complaints against the judges who have denied and dismissed his claims in the district and bankruptcy courts. Although the complaints contain numerous allegations of misconduct, the allegations are supported only by complainant's disagreement with the judges' decisions and his belief that those decisions could only have been reached through fraud, illegality, bias, corruption, and conspiracy.

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

IT IS SO ORDERED.


William B. Traxler, Jr.
Chief Judge