



- 2) the judge applied wrongful and prejudicial names to him in his order; and
- 3) the judge mischaracterized the complaint and improperly dismissed it.

The Judicial Conduct and Disability Act provides a means to review claims relating to a judge's conduct; it does not permit review of a judge's decisions. 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). Allowing judicial decisions to be challenged through misconduct proceedings "would raise serious constitutional issues regarding judicial independence under Article III of the Constitution." In re Memorandum of Decision, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008).

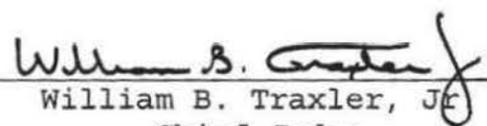
Misconduct may be based upon an allegation that the judge has treated litigants in a "demonstrably egregious and hostile manner," Rule 3(h)(1)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings, but such an allegation may not be based on comments that are directly related to the judge's ruling. See In re Lauer, 788 F.2d 135, 138 (8th Cir. 1985).

In dismissing complainant's allegations, the judge discussed the frivolity standard under 28 U.S.C. § 1915(e)(2)(B), defined by the case law to include allegations that "are 'so nutty,' 'delusional,' or 'wholly fanciful' as to

be simply 'unbelievable.'" McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009) (citations omitted). The judge's reference to the governing standard did not amount to hostile treatment of complainant or constitute name-calling. Complainant's disagreement with the judge's characterization of his allegations or the judge's dismissal of his complaint is not evidence of misconduct and may not be pursued through a judicial complaint. See In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

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

IT IS SO ORDERED.

  
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William B. Traxler, Jr.  
Chief Judge