

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

|                       |   |      |             |
|-----------------------|---|------|-------------|
| In the Matters of     | * | Nos. | 04-16-90003 |
|                       |   |      | 04-16-90004 |
| Judicial Complaints   | * |      | 04-16-90005 |
|                       |   |      | 04-16-90006 |
| Under 28 U.S.C. § 351 | * |      | 04-16-90007 |
|                       |   |      | 04-16-90008 |
|                       |   |      | 04-16-90009 |
|                       |   |      | 04-16-90010 |
|                       |   |      | 04-16-90011 |

MEMORANDUM AND ORDER

Complainant brings these judicial complaints against a circuit judge, two chief district judges, two district judges, three senior district judges, and a magistrate judge. The complaints are filed pursuant to 28 U.S.C. § 351(a), which provides a remedy for "conduct prejudicial to the effective and expeditious administration of the business of the courts" and for judicial inability to "discharge all the duties of office by reason of mental or physical disability."

Complainant alleges that all the judges are close personal friends who have conspired to violate his civil rights, deny him the protections of due process, and participate in fraud.

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).

Complainant has presented no facts to support his allegations that the judges have conspired to violate his civil rights, deny him the protections of due process, or participate in fraud. His allegations support nothing other than a finding that complainant disagrees with the judges' rulings and assumes, for that reason, that the rulings are based on judicial misconduct.

These complaints are, accordingly, dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
J. Harvie Wilkinson III  
Circuit Judge

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\* Assigned pursuant to Rule 25(f), Rules for Judicial-Conduct and Judicial-Disability Proceedings.