FILED: April 22, 2016

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In the Matter of a	*	
Judicial Complaint	*	No. 04-16-90028
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

Complainant brings this judicial complaint against a federal district judge pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364. The Act provides an administrative 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." 28 U.S.C. § 351(a).

Complainant filed a complaint in district court naming an official of the Washington Metropolitan Area Transit Authority (WMATA) and three unnamed police officers of the WMATA. The complaint sought damages in the amount of $1,500,000 and a permanent injunction against the police officers prohibiting them from issuing false traffic citations and illegally detaining citizens without probable cause. The complaint was dismissed as to the named official because the official is immune from suit for torts of WMATA Transit police officers

performing governmental functions. Complainant was directed to show cause why the complaint should not be dismissed as to the remaining unidentified defendants. Complainant moved for discovery and for an extension of time to identify the defendants by name and file an amended complaint. His discovery motion was denied and his request for additional time was granted. Complainant's motion for injunctive relief asking that the WMATA produce records and provide the names and mailing addresses of the three unnamed officers is currently pending in the district court.

Complainant alleges in his judicial complaint that the district judge improperly dismissed the named official and improperly denied his motion for discovery. Complainant requests that his case be assigned to a different district court judge and allowed to proceed.

A judicial complaint that alleges only conduct "directly related to the merits of a decision or procedural ruling" does not allege misconduct within the meaning of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(ii); see In re Memorandum of Decision, 517 F.3d 558, 561 (Jud. Conf. 2008).

To state a cognizable claim of misconduct relating to a judge's decision, the complainant must demonstrate that the judge has a "pattern and practice of arbitrarily and deliberately disregarding prevailing legal standards," 517 F.3d at 562, or that the judge's "decision was the result of an

improper motive," Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Such a showing cannot be made where the only support for the allegations is the merits of the judge's ruling. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant's allegations that the judge improperly dismissed a defendant and denied a motion are directly related to the merits of the judge's decision. Complainant has not shown that the judge has a pattern or practice of arbitrarily or deliberately disregarding the law or that she had an improper motive for her decision. Complainant's challenges to the judge's decision are not cognizable under the Act.

Accordingly, 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