FILED: April 25, 2016

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

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| In the Matters of | * | |
| | | Nos. 04-16-90031 |
| Judicial Complaints | * | 04-16-90032 |
| | | 04-16-90033 |
| Under 28 U.S.C. § 351 | * | |

MEMORANDUM AND ORDER

Complainant brings these judicial complaints alleging misconduct by two district judges and three circuit judges in connection with his criminal trial and appeal.* The Judicial Conduct and Disability 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 was convicted of conspiracy to commit offenses against the United States, three counts of armed bank robbery, and three counts of use of a firearm in a crime of violence. His convictions were affirmed on appeal and his subsequent motions for post-judgment relief were denied. Over the course of his criminal proceedings, the courts rejected complainant's

* Two of the named circuit judges have passed away; complainant's allegations are considered with respect to the remaining judges.

contention that his prosecution was barred under the speedy trial provisions of the Interstate Agreement on Detainers. Complainant now alleges that the judges engaged in judicial misconduct by rejecting his speedy trial claims.

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 allegation that the judges engaged in misconduct by failing to protect his right to a speedy trial under the Interstate Agreement on Detainers is directly related to the merits of the judges' decisions. Complainant has not shown that the judges have exhibited a pattern or practice of

arbitrarily or deliberately disregarding the law or that the judges had an improper motive for ruling as they did. Complainant's challenges to the judges' decisions are not cognizable under the Act.

Accordingly, 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