



complainant's supervised release and sentenced him to 23 months' imprisonment and 18 years' supervised release. On appeal from that judgment, the court of appeals granted a joint motion to remand for a new revocation hearing. Complainant's case remains pending in the district court.

Complainant alleges in his judicial complaint that he wrote to the district judge and the probation office before being placed on supervised release, informing them that he has stage IV renal cancer; that intensive chemotherapy has compromised his immune system and weakened him; and that he required housing and ongoing medical treatment. Complainant states that he was nevertheless released from the prison medical facility to stay at a mission shelter where he would be subjected to a risk of contagion. Complainant alleges that when he did not remain at that location, a violation notice was issued.

Complainant contends that the judge and probation office ignored his life-threatening condition and needs, thereby contributing to the violation of his supervised release. Complainant maintains it was a conflict of interest for the judge to revoke complainant's supervised release under these circumstances. Complainant also maintains that the judge altered the record to add an 18-year supervised release term and a \$3,500 fine that were not mentioned at his supervised release revocation hearing. Complainant claims that the judge is biased

against the poor and minorities and too old to remain on the bench.

A claim of disability under the Judicial Conduct and Disability Act requires a showing that the judge suffers from an impairment that renders him "unable to discharge the duties of the particular judicial office." Rule 3(e), Rules for Judicial-Conduct and Judicial-Disability Proceedings. A claim of misconduct under the Act requires a showing that the judge engaged in conduct that violated mandatory standards of judicial conduct and was prejudicial to the administration of justice. Rule 3(h), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

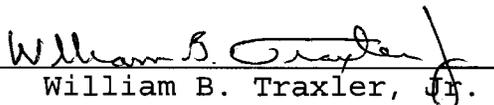
The Act does not reach allegations that are "directly related to the merits of a decision or procedural ruling," or that lack "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(ii) & (iii). "When the only support for the allegation of bad acts or motive is the merits of the judge's rulings," the complaint must be dismissed as merits related. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant's allegations of misconduct and disability are unsupported by the evidence and refuted by the record in his case. Contrary to complainant's allegations, the judge considered complainant's medical condition and directed that he

be placed in a medical facility so that he could receive appropriate treatment. Complainant's letter to the judge and probation office regarding his needs did not create a conflict of interest requiring the judge's recusal, and there is no evidence that the judge was unable to discharge the duties of office or motivated by bias against the poor and minorities. The record also refutes complainant's claim that the judge added a supervised release term and a fine after the fact, rather than at his hearing. The transcript of complainant's sentencing reflects that the fine and assessment were imposed at sentencing, and the transcript of complainant's revocation hearing reflects that the 18-year supervised release term was imposed at his revocation hearing.

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

IT IS SO ORDERED.

  
William B. Traxler, Jr.  
Chief Judge