



U.S. Attorney General for prosecution, and has refused to issue a certificate of appealability.

The Judicial Conduct and Disability Act excludes from its coverage allegations that are "directly related to the merits of a decision or procedural ruling." 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).

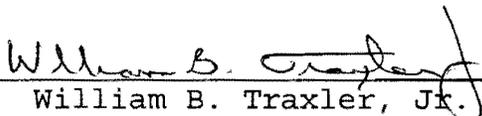
The judicial complaint procedures permit review of a claim that a judicial decision is "the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias," but only to the extent of challenging the improper conduct or motive as opposed to the decision itself. Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Such a claim must be supported by "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(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).

Careful review of the records in complainant's three cases and the allegations of his judicial complaint discloses no basis

for inferring that the district judge's rulings were motivated by a desire to protect state court judges or shield their criminal conduct. Complainant's allegations are based solely on his disagreement with the judge's decisions to dismiss his petitions without prejudice rather than grant relief and seek federal prosecution of state judges and officials. Accordingly, the complaint fails to state a claim for misconduct.

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

IT IS SO ORDERED.

  
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William B. Traxler, Jr.  
Chief Judge