FILED: May 27, 2016

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In the Matter of a	*	
		No. 04-16-90044
Judicial Complaint	*	
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

Complainant brings this judicial complaint against a federal magistrate judge pursuant to 28 U.S.C. § 351(a), which 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."

Complainant alleges that the magistrate judge has refused to have process served in any of his civil actions. A review of complainant's filings in the district court discloses that the cases have been assigned to the magistrate judge for review and recommendation pursuant to local rule, and that the magistrate judge has recommended that they be dismissed without service of process.

The Judicial Conduct and Disability Act does not reach allegations of judicial misconduct 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).

Complainant's allegation that the magistrate judge has refused to have process served in his civil actions is directly related to the merits of the magistrate judge's rulings and recommendations and therefore excluded from review under the Judicial Conduct and Disability Act.

Accordingly, this complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii).

IT IS SO ORDERED.

William B. Traxler, Jr.
Chief Judge