

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In the Matter of	*	Nos. 04-16-90056
		04-16-90057
		04-16-90058
Judicial Complaints	*	04-16-90059
		04-16-90060
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

Complainant brings these judicial complaints pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, against five district judges. The Act provides an administrative remedy for "conduct prejudicial to the effective and expeditious administration of the business of the courts" and for inability to "discharge all the duties of office by reason of mental or physical disability." 28 U.S.C. § 351(a).

Complainant has filed 31 previous judicial complaints against various judges involved in her multiple federal actions.\* All prior complaints have been dismissed.

Complainant alleges that the five judges named in these complaints have:

- used their office to obtain special treatment for friends and relatives;

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\* Under the uniform numbering system referenced in Rule 8, Rules Governing Judicial-Conduct and Judicial-Disability Proceedings, a separate complaint number is assigned for each judge identified in a complaint brought against multiple judges. See Commentary on Rule 8, at 10-11.

- treated complainant in a demonstrably egregious and hostile manner;
- failed to recuse themselves;
- accused complainant of filing vexatious actions in order to cover up their judicial misconduct;
- exhibited racial and ethnic bias;
- illegally remanded actions to the state court;
- failed to docket pleadings in a timely manner;
- engaged in partisan political activity; and
- retaliated against complainant for participation in the complaint process.

The Judicial Conduct and Disability Act does not permit review of claims that are "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii). To avoid the merits-related bar, a misconduct claim must contain "clear and convincing evidence of a judge's arbitrary and intentional departure from prevailing law based on his or her disagreement with, or willful indifference to, that law." In re Memorandum of Decision, 517 F.3d 558, 562 (U.S. Jud. Conf. 2008).

Misconduct may also be based upon a showing that the judge's ruling was motivated by racial or ethnic bias or other improper motive, but the claim must be supported by sufficient evidence to raise an inference that misconduct has occurred and cannot be based on mere speculation. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings; In re Doe, 2 F.3d 308 (8th Cir. 1993) (judicial

complaint process may not be used to pursue speculative claims).

As in previous complaints, complainant makes broad allegations that the judges have been influenced by state and federal officials, politicians, banks, businesses, and judicial colleagues. Complainant also alleges that the judges have decided complainant's cases based on racial bias and personal interest. No evidence is found either in the complaint or in the records of complainant's cases to support her allegations. The judges acted in accordance with prevailing law, and complainant's disagreement with their rulings and speculation about their motives cannot support her misconduct claims.

Complainant's request to transfer these complaints to another circuit is denied. Complainant is advised that the filing of "repetitive, harassing, or frivolous complaints" may lead to imposition of restrictions on the filing of future complaints. Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

These judicial complaints are dismissed as directly related to the merits of the judges' decisions and as lacking in factual support for a claim of misconduct. 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
William B. Traxler, Jr.  
Chief Judge