

June 12, 2003, the district judge directed that recent correspondence from complainant be placed on the left side of the file pursuant to the November 29, 2000, order. The June 12, 2003, order also denied complainant's motion for reconsideration of prior orders denying motions to dismiss the indictment and for a new trial. Complainant subsequently filed a series of post-judgment motions; the district judge denied relief, and the judge's orders were upheld on appeal.

Complainant alleges in his judicial complaint that the judge's November 29, 2000, order improperly requires citation of legal authority, even though complainant is not a lawyer, and that the June 12, 2003, order improperly denies relief for failure to comply with the requirements of the November 29, 2000, order.¹ Complainant further alleges that he filed a motion to correct criminal judgment on July 3, 2014, and a motion for criminal contempt on May 21, 2015, and that neither motion has been ruled upon by the district judge.

Subsequent to the filing of this judicial complaint, the judge denied both motions. Complainant thereafter filed a

¹ Complainant also alleges that, because the judge's November 29, 2000, order is not available on the docket, the judge is trying to hide his imposition of these requirements. Since none of the district court's orders during this time period are available in electronic form on the docket, however, there is no basis for inferring that the judge was attempting to conceal the information.

supplement to his judicial complaint alleging that, despite the judge's eventual ruling, the delay had undermined the efficient administration of justice.

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). If, however, the complainant demonstrates "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), or evidence that the judge's ruling was the result of a bribe, ex parte contact, racial bias, or other improper motive, Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings, a claim may be brought under the Act.

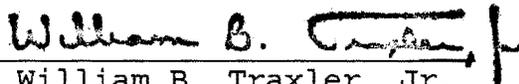
An allegation of delay in rendering a decision is considered a merits-related claim under the Act and is not cognizable "unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases."² Rule 3(h)(3)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

² Allegations of delay in a single case are merits-related because they challenge the priority assigned by the judge to deciding a particular case.

Complainant must present "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A){iii}. If "the only support for the allegation of bad acts or motive is the merits of the judge's ruling," the complaint must be dismissed. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant's allegations that the judge imposed improper conditions on his filings, improperly denied relief based on those conditions, and improperly delayed a ruling on his motions are merits-related allegations for which complainant has offered no evidence of improper motive or other misconduct. Accordingly, this complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) as merits-related and lacking in factual support.

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge