



not allege misconduct within the meaning of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(ii); see In re Memorandum of Decision, 517 F.3d 558, 561 (Jud. Conf. 2008).

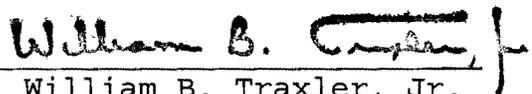
To state a cognizable claim of misconduct relating to a judge's decision, the complainant must demonstrate that the judge has a "pattern and practice of arbitrarily and deliberately disregarding prevailing legal standards," 517 F.3d at 562, or that the judge's "decision was the result of an improper motive," Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Such a showing cannot be made where the only support for the allegations is the merits of the judge's ruling. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

In support of complainant's claim that the judge knowingly tried him on a fraudulent indictment, complainant submits the Department of Justice's response to his Freedom of Information Act (FOIA) request. The FOIA response includes a copy of complainant's indictment but states that a computer printout sheet with related information is not in the Department's records. Although complainant contends that this response establishes that his indictment was fraudulent, the absence of a computer printout sheet is neither evidence of a fraudulent indictment nor evidence of misconduct on the part of the judge.

Complainant's challenge to the legitimacy of his indictment is directly related to the merits of the judge's decisions in the ensuing criminal proceedings. Complainant has not shown that the judge had a pattern or practice of arbitrarily disregarding the law or an improper motive for his decisions.

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

IT IS SO ORDERED.

  
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William B. Traxler, Jr.  
Chief Judge