



with the defendants before a class was certified. The district judge dismissed the case as settled after the parties notified her that the case had settled.

Complainant alleges in his judicial complaint that the district judge engaged in misconduct by allowing the named plaintiffs and their attorneys to enter into a settlement that benefited them but harmed potential class members.\* Complainant alleges that the judge rebuffed his efforts to raise his concerns by informing him that the case was closed.

A judicial complaint that alleges only conduct "directly related to the merits of a decision or procedural ruling" does 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

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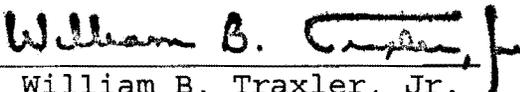
\* According to complainant, the settlement covered only a three-year period beginning a year after it was signed, required exhaustion of administrative remedies, and awarded attorney's fees to counsel and compensation to the named plaintiffs but nothing to similarly situated inmates.

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).

No class having been certified in this case, the judge's dismissal of the action based upon the parties' settlement suggests neither disregard for the law nor improper motive. Likewise, the judge's notification to complainant that he could not intervene in a closed case suggests no arbitrary or improper motive on the part of the judge.

This complaint is, accordingly, 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