

Subsequent to the filing of this judicial complaint, the judge entered a superseding memorandum opinion and order. The superseding memorandum opinion and order considered the complaint as a hybrid habeas corpus-civil rights action, dismissed the habeas corpus claims, and afforded complainant an opportunity to amend his civil rights claims.

After receiving the superseding memorandum opinion and order, complainant filed a supplement to his judicial complaint in which he alleged that the judge was still attempting to cover up state misconduct by explaining away his earlier failure to address complainant's civil rights claims, that he should be disqualified based on prior adverse rulings in complainant's cases, and that he should not have taken a month to rule on the case.

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.

Complainant has presented no evidence that the judge was willfully indifferent to the law or that he wished to shield the illegal conduct of state court judges. The record in complainant's case fails to provide any support for a claim of misconduct in connection with the timing or substance of the judge's rulings. Any disagreement complainant may have with the judge's rulings must be raised through appeal rather than through a misconduct complaint.

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.


Roger L. Gregory
Chief Judge