

Complainant maintains that the judge and counsel for the named plaintiffs colluded to exclude complainant and other inmates in order to quickly conclude the case and avoid the continued investment of counsel's time and effort. Complainant alleges that he has been negatively affected by the settlement and left without any viable means of relief.

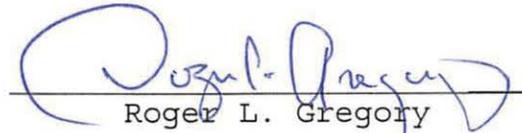
A judicial complaint that alleges only conduct "directly related to the merits of a decision or procedural ruling" does not allege misconduct within the meaning of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(ii); see In re Memorandum of Decision, 517 F.3d 558 (Jud. Conf. 2008). To state a cognizable claim of misconduct relating to a judge's decision, the complainant must demonstrate "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" 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. Jud. Council 2011).

Complainant's allegation that the judge improperly rebuffed his efforts to join the litigation is an objection to the merits of the judge's ruling. Complainant has shown neither that the

judge was deliberately indifferent to the law nor that she acted out of an improper motive. Complainant's speculation that the judge's dismissal of the case and refusal to subsequently reopen it were the result of collusion rather than the judge's good faith application of the law to the facts of the case is insufficient to support his claim of judicial misconduct. See In re Complaint of Doe, 2 F.3d 308, 311 (8th Cir. 1993).

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

IT IS SO ORDERED.


Roger L. Gregory
Chief Judge