

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In the Matters of	*	Nos. 04-15-90001
Judicial Complaints	*	04-15-90002
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

Complainant brings these complaints against a federal district judge and a federal magistrate judge pursuant to 28 U.S.C. § 351(a), which provides an administrative remedy for "conduct prejudicial to the effective and expeditious administration of the business of the courts" and for judicial inability to "discharge all the duties of office by reason of mental or physical disability."

Complainant filed a civil rights action in district court alleging violations of his constitutional rights by state corrections officials. During the course of that proceeding, complainant filed a motion to recuse both the district judge and the magistrate judge, alleging that they were biased in favor of defendants. The motion for recusal was denied as lacking in

evidence. Judgment was entered in favor of defendants in the district court, and was affirmed on appeal.

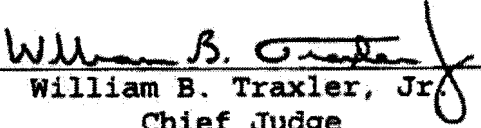
Complainant again alleges in his judicial complaints that the district judge and magistrate judge were biased in favor of defendants, as demonstrated by their rulings. He claims that their failure to recuse themselves constituted judicial misconduct.

The Judicial Conduct and Disability Act permits review of judicial conduct, not judicial decisions. Claims that are "[d]irectly related to the merits of a decision or procedural ruling" are barred from review under the Act. 28 U.S.C. § 352(b)(1)(A)(ii). "An allegation that calls into question the correctness of a judge's ruling, including a failure to recuse, without more, is merits-related." Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant's allegations of bias are directly related to the merits of the judges' rulings and supported only by the complainant's disagreement with those rulings. Complainant offers no basis for finding that the judges' failure to recuse themselves was the product of judicial misconduct rather than legitimate judicial decision-making.

Accordingly, these judicial complaints are dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) as directly related to the merits of the judges' rulings.

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge