

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In the Matters of	*	
Judicial Complaints	*	Nos. 04-15-90163 04-15-90164
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

Complainant brings these complaints under the Judicial Conduct and Disability Act against the federal circuit judge who dismissed his prior judicial complaints and a federal district judge who presided over his civil rights actions. 28 U.S.C. §§ 351-364.

Complainant has filed two previous complaints against this circuit judge, In re Judicial Complaint, No. 04-14-90037 (4th Cir. Apr. 3, 2014); In re Judicial Complaint, No. 04-15-90162 (4th Cir. Oct. 27, 2015), and four previous complaints against this district judge, In re Judicial Complaint, No. 04-14-90076 (4th Cir. Aug. 8, 2014); In re Judicial Complaint, No. 04-15-90064 (4th Cir. May 21, 2015); In re Judicial Complaint, No. 04-15-90097 (4th Cir. July 23, 2015); In re Judicial Complaint, 04-15-90139 (4th Cir. Oct. 15, 2015). The previous complaints against these two judges were dismissed as merits-

related and unsupported. The current complaints raise essentially the same issues.

Complainant alleges that the district judge has exhibited a habitual pattern of dismissing claims against lawyers, judges, prosecutors, police officers, and agents acting in concert with them. He contends that the judge disregards Supreme Court precedent by improperly according these defendants absolute immunity against all claims. Complainant maintains that the judge has exhibited this bias in a large number of unrelated cases, that she is acting to protect her friends, and that complainant's cases are all assigned to this judge so that she can dismiss them.

With regard to the circuit judge, complainant alleges that the circuit judge demonstrated bias and ignored the rules of the judicial complaint process to protect the district judge. He claims the circuit judge has defended the district judge's misconduct for over two years because they are friends.

To ensure that the judicial complaint procedure is not used to collaterally attack the substance of a judge's ruling, allegations that are "[d]irectly related to the merits of a decision or procedural ruling" are excluded from coverage under the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(ii). "Any allegation that calls into question

the correctness of an official action of a judge—without more—is merits-related," including "a complaint challenging the correctness of a chief judge's determination to dismiss a prior misconduct complaint." Commentary on Rule 3, Rules for Judicial-Conduct and Judicial-Disability Proceedings, at 5-6.

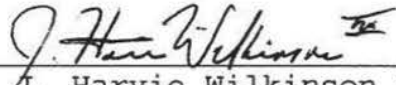
Although judicial complaint allegations are cognizable to the extent they challenge a judge's improper motive or conduct, as opposed to the decision itself, such allegations must be supported by "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii). When the "only support for the allegation of bad acts or motive is the merits of the judge's rulings," the allegations must be dismissed as merits-related. In re Doe, 640 F.3d 869, 873 (8th Cir. 2011).

Complainant's allegations of bias and misconduct are based solely on his disagreement with the decisions of the district judge and circuit judge. The allegations are repetitive of allegations previously made by complainant and dismissed.

These judicial complaints are, accordingly, dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) as related to the merits of the judges' rulings and lacking in factual support. Complainant is advised that the filing of "repetitive, harassing, or frivolous complaints" may lead to imposition of

restrictions on the filing of future complaints. Rule 10(a),  
Rules for Judicial-Conduct and Judicial-Disability Proceedings.

IT IS SO ORDERED.

  
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J. Harvie Wilkinson III  
Circuit Judge\*

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\* Acting pursuant to Rule 25(f), Rules for Judicial-Conduct  
and Judicial-Disability Proceedings.