

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matter of	*	No. 04-17-90200	No. 04-17-90205	No. 04-17-90211
		No. 04-17-90201	No. 04-17-90206	No. 04-17-90212
Judicial Complaints	*	No. 04-17-90202	No. 04-17-90207	No. 04-17-90213
		No. 04-17-90203	No. 04-17-90208	No. 04-17-90214
Under 28 U.S.C. § 351	*	No. 04-17-90204	No. 04-17-90209	No. 04-17-90215

O R D E R

Complainant filed complaints under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, naming all circuit judges of the Fourth Circuit. The Fourth Circuit Judicial Council Act has found it to be necessary, appropriate, and in the interest of sound judicial administration that these complaints be acted on by the Chief Judge rather than transferred to another Circuit.

Complainant was the defendant in an unlawful detainer action in which judgment was entered against her in state court. Complainant appealed and posted an appeal bond in the amount of \$10,258. Following complainant's unsuccessful state court appeal and denial of certiorari, the appeal bond was paid to the plaintiff.

Complainant then filed suit in federal district court alleging extrinsic fraud in the plaintiff's prosecution and the state courts' disposition of the unlawful detainer action and alleging that her appeal bond was improperly paid to the plaintiff individually rather than as trustee. The district court dismissed the complaint for failure to state a claim and

complainant appealed. In her informal brief and petition for rehearing and rehearing en banc on appeal, complainant contended that her federal lawsuit should not have been dismissed because the motions to dismiss were improperly filed by defendants in their individual, rather than official or trustee, capacities. The court of appeals affirmed the district court and denied the petition for rehearing and rehearing en banc*

Complainant alleges in her judicial complaints that the court of appeals judges turned a blind eye, ignored her issues, and participated in her opponents' trickery. She alleges that the panel's opinion and the en banc court's denial of rehearing were motivated by a desire to conceal unlawful state court conduct and by their bias and hostility towards her as a pro se litigant.

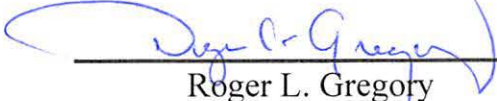
Misconduct review of claims "directly related to the merits of a decision or procedural ruling" is prohibited under the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(ii). Although a misconduct claim may be based upon demonstrably egregious and hostile treatment of a litigant or upon rulings resulting from an improper motive, Rule 3(h)(1)(D) & (h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings, there must be "sufficient evidence to raise an inference that misconduct has occurred," 28 U.S.C. § 352(b)(1)(A)(iii). If the "only support for the allegation of bad acts or motive is the merits of the judge's rulings," the complaint must be dismissed. *In re Doe*, 640 F.3d 869, 873 (8th Cir. 2011).

* Under Fed. R. App. P. 35, senior judges do not act on petitions for rehearing en banc. See Fed. R. App. P. 35(a) ("A majority of the circuit judges who are in regular active

Complainant's misconduct claims are based solely on the judges' rulings in her case. Although complainant contends that the rulings resulted from an improper motive, bias, and hostility, those contentions are based solely on her disagreement with the merits of the decisions. Complainant has, accordingly, failed to set forth any basis for a finding of judicial misconduct.

These judicial complaints are dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) as related to the merits of the judges' decisions and § 352(b)(1)(A)(iii) as lacking in factual support for a claim of misconduct.

IT IS SO ORDERED.



Roger L. Gregory
Chief Judge

service and who are not disqualified may order that an appeal or other proceeding be heard or reheard by the court of appeals en banc.”).