

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In the Matter of a

\*

No. 04-18-90116

Judicial Complaint

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Under 28 U.S.C. § 351

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MEMORANDUM AND ORDER

Complainant brings this judicial complaint against a district judge pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, which provides an administrative remedy for judicial conduct that is "prejudicial to the effective and expeditious administration of the business of the courts." 28 U.S.C. § 351(a).

The district judge, at the request of the United States, enjoined complainant from acting as a federal income tax preparer on the ground that she had filed falsified federal income tax returns for her customers. In the course of those proceedings, the district judge issued a bench warrant for her arrest for civil contempt of court for disregarding court orders. Complainant appealed from the judgment granting the injunction, and the court of appeals issued a decision affirming the district court.

Complainant filed a judicial complaint against the district judge alleging that the district judge issued orders "in excess of his lawful authority which caused an avalanche of violations against [complainant]: void judgments, enforcement of the void judgments, unlawful break, enter, search, seizure, arrest, imprisonment and disregard of the Miranda Warning." Complainant alleges that the district judge committed wrongful acts against her while lacking jurisdiction, which resulted in her being imprisoned for three days. The

district judge, according to complainant, “ruled in violation of the Constitution” and other law, “thereby rendering judgments that are unfair, bias[ed], and void.” The district judge’s actions “aggravated [complainant’s] psychic injury known as Legal Abuse Syndrome Post Traumatic Stress Disorder (LAS PTSD).”

Complainant adds that the district judge “imprisoned [complainant] with no verified complaint, grand jury presentment or indictment, and [the district judge] acts as if he is not bound to obey the Constitution that he took an oath to support, defend and adhere to. [The district judge’s] actions imply that Constitutional mandates do not apply to people of color and that they can be proceeded against without indictment which was the belief system in the 1800’s.”

Under 28 U.S.C. § 352(b)(1)(A)(ii), claims that are “directly related to the merits of a decision or procedural ruling” are not subject to review through a complaint of judicial misconduct. To avoid the merits-related bar, a misconduct claim must contain “clear and convincing evidence of an arbitrary and intentional departure from, or willful indifference to prevailing law.” *In re Memorandum of Decision*, 517 F.3d 558, 562 (U.S. Jud. Conf. 2008).

Misconduct may also be based upon a showing that the judge's rulings were motivated by racial or ethnic bias or other improper motive, but the claim must be supported by sufficient evidence to raise an inference that misconduct has occurred and cannot be based on mere speculation. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Rule 3(h)(3)(A),

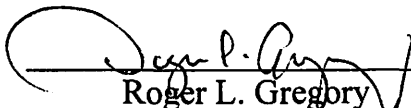
Rules for Judicial-Conduct and Judicial-Disability Proceedings; *In re Doe*, 2 F.3d 308 (8th Cir. 1993) (judicial complaint process may not be used to pursue speculative claims).

Complainant has failed to present, and the records do not disclose, any evidence of willful indifference to prevailing law, racial or other bias, or other misconduct. Complainant may not pursue her disagreement with the judge's rulings – including the judge's rulings holding complainant in civil contempt – through a complaint of judicial misconduct.

If complainant suffered any kind of improper treatment by police, prison officials, or anyone else, there is no evidence to suggest that the district judge had anything to do with that.

Accordingly, this judicial complaint is dismissed as merits-related and lacking in factual support. 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.

  
Roger L. Gregory  
Chief Judge