

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In the Matter of a	*	
Judicial Complaint	*	No. 04-20-90053
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

Complainant brings this judicial complaint against a circuit 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).

Complainant brought an action *pro se* in another circuit against a collection of nineteen federal government officers, including the President, and federal judges. Complainant in that action asked the district court "to cease avoiding and immediately define US constitution language 'natural born citizen' . . . eligibility of all living former presidents . . . and all living so confirmed federal judicial nominees regarding their past and current judicial authority . . . ." The district court dismissed that action for lack of federal subject matter jurisdiction.

Complainant filed this judicial complaint against a circuit judge. The complaint does not set forth any particular allegations against the circuit judge. Instead, complainant attached to his complaint materials from the above-referenced civil action, and from submissions made by complainant to other government authorities, stating vague and largely unintelligible allegations against government officers other than the circuit judge.

In the absence of any allegations against the circuit judge, this complaint must be dismissed. The Judicial Conduct and Disability Act does not confer authority on the chief judge

of the circuit to consider allegations against any government officer except federal judges within the circuit.

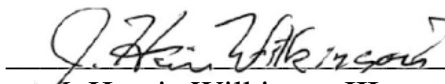
Even if some action of the circuit judge were alleged, under 28 U.S.C. § 352(b)(1)(A)(ii), claims that are “directly related to the merits of a decision or procedural ruling” are not subject to review through a complaint of judicial misconduct. To avoid the merits-related bar, a misconduct claim must 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).

Any claim of improper motive 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); *In re Doe*, 2 F.3d 308 (8th Cir. 1993) (judicial complaint process may not be used to pursue speculative claims).

Complainant, again, has failed to present even any allegations of improper motive or other misconduct on the part of the circuit judge. Complainant cannot attack the circuit judge’s rulings – if that is somehow what complainant intends -- through a complaint of judicial misconduct.

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.

  
J. Harvie Wilkinson III  
Circuit Judge\*

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\*Acting in place of the Chief Judge, pursuant to Rule 25(f), Rules for Judicial-Conduct and Judicial-Disability Proceedings.