

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT No. 480

BEFORE
Boudin, Chief Circuit Judge

ORDER
ENTERED: APRIL 9, 2008

On February 14, 2008, complainant, a pro se litigant, filed a complaint of judicial misconduct under 28 U.S.C. § 351(a) against a district judge in the First Circuit. The complainant alleges wrongdoing in connection with a civil case that the complainant filed against her former spouse, numerous state court judicial officers and staff, a number of private attorneys, and other government agencies.

The complainant presents no clear charges of misconduct against the district judge. Instead, she provides a lengthy and hard-to-understand description of an abusive relationship with her former spouse and an alleged conspiracy by state court officials, attorneys, and others who participated in her divorce proceeding to violate the complainant's right to full discovery and just resolution of the matter. The complainant contends that she has been wrongfully denied assistance by multiple state and federal agencies, and ostensibly faults the district judge for failing to provide her with a competent attorney to present her claims. The complainant includes apparent citations to miscellaneous federal statutes, as well as a description of the function of the Office of the Circuit

Executive, and requests the consolidation of various state and federal court proceedings and disciplinary matters.

As an initial matter, I note that the judicial misconduct statute does not provide a mechanism for modifying or consolidating court proceedings. Moreover, as explained to the complainant in correspondence sent last year from the Circuit Executive's Office (a copy of which the complainant includes with her complaint), the judicial misconduct statute does not empower the Chief Judge or the Office of the Circuit Executive to consider complaints of wrongdoing by state judges or other government officials apart from federal judges. See 28 U.S.C. § 351, et. seq. See also Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability (Rules of Judicial Misconduct), Rules 1(c) and 1(e).

The docket in the complainant's civil case indicates that the complainant filed the proceeding in 2007. After the complainant subsequently submitted the filing fee, the court ordered the issuance of summonses and issued an order allowing the complainant's motion for an extension of time in which to complete service on the numerous defendants. In the latter order, the judge also denied the complainant's motion for the appointment of counsel, explaining to the complainant that, at the present time, the matter did not present the type of "exceptional circumstances" that would warrant the appointment of counsel in a civil matter.

The judge issued another order the following month, striking from the record a "purported criminal complaint against the defendants," and reminding the complainant that, as a private citizen, she lacks authority to enforce a criminal statute. The docket further indicates that the defendants have since filed motions to dismiss, which remain pending with the court, and that the complainant has filed two unsuccessful appeals, as well as multiple motions in the pending matter.

There is no information in the complaint, the docket, or in the reviewed court orders that provide any indication that the judge has engaged in judicial wrongdoing of any kind. Accordingly, the complaint is dismissed as frivolous pursuant to 28 U.S.C. §§ 352(b)(1)(A)(iii). Absent evidence of illicit judicial motivation -- of which there is none -- the complainant's disagreement with orders that the judge has issued in the case does not provide grounds for a cognizable claim of judicial misconduct. See 28 U.S.C. § 352(b)(1)(A)(ii).

For the reasons stated, Judicial Misconduct Complaint No. 480 is dismissed pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii), and (iii).

A handwritten signature in black ink, appearing to read "Michael Boudin", is written over a horizontal line.

Chief Judge Boudin