

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINTS NO. 01-11-90040, 01-11-90041, AND 01-11-90042

BEFORE
Boudin, Circuit Judge

ORDER

ENTERED: DECEMBER 15, 2011

Complainant, a pro se litigant, filed a complaint against three circuit judges alleging a violation of the Judicial Conduct and Disability Act, 28 U.S.C. § 351(a). The complainant alleges that the judges exhibited a "severe impairment of cognitive abilities" in handling the complainant's appeals of three trademark infringement cases.

The present matter is the second misconduct complaint recently filed by the complainant. In September 2011, complainant filed a misconduct complaint against a district judge and a magistrate judge alleging bias in connection with the dismissal of another of complainant's civil cases. See Judicial Misconduct Complaints Nos. 01-11-90036 and 01-11-90037. Chief Judge Lynch dismissed these complaints as without merit. See Lynch, C.C.J., Order, In Re: Complaints Nos. 01-11-90036 and 01-11-90037,

November 29, 2011.

With respect to the present matter, the complainant alleges that the appellate judges wrongfully upheld the district court decision dismissing two of complainant's appeals for failure to comply with the applicable statute of limitations. Complainant argues that the district court miscalculated the limitations period and states that the district judge's determination that complainant had lacked "reasonable diligence" in pursuing her claims is "beyond [her] comprehension." The complainant adds that the stay imposed in complainant's remaining appeal is "illegal because [it] is going on a very long time."

The misconduct complaint is not cognizable. "Cognizable misconduct . . . does not include . . . [a]n allegation that calls into question the correctness of a judge's ruling . . ." Rules of Judicial-Conduct, Rule 3(h)(3)(A). Complainant offers no evidence of bias or disability. She alleges only that she disagrees with the substance of the Court of Appeals' orders affirming the dismissal of two of complainant's cases and with an automatic stay entered in the third case.¹ The assertion that these orders are themselves indicative of the judges' "cognitive impairment" is utterly frivolous. Accordingly, the misconduct complaint is dismissed as baseless, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii), and as not cognizable, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii). See also Rules of

¹Although not relevant to the disposition of the misconduct complaint, the stay was not entered by the named panel of judges, but automatically under the bankruptcy code.

Judicial-Conduct, Rules 11(c)(1)(C), and 11(c)(1)(B), respectively.

For the reasons stated, Complaints Nos. 01-11-90040, 01-11-90041, and 01-11-90042 are dismissed, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii), and 352(b)(1)(A)(iii).

See also Rules of Judicial-Conduct, Rules 11(c)(1)(B) and 11(c)(1)(C), respectively.

12/15/11

Date

Judge Boudin

(FR)

Judge Boudin