

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-11-90045

BEFORE
Lynch, Chief Circuit Judge

ORDER

ENTERED: DECEMBER 15, 2011

Complainants, pro se litigants, filed a complaint, under 28 U.S.C. § 351(a), alleging that a district judge engaged in misconduct while presiding over the complainants' civil case.

The complainants allege that the judge improperly dismissed their case for lack of subject matter jurisdiction. Complainants argue that the judge intentionally ignored complainants' evidence of diversity jurisdiction because the judge is biased in favor a local court judge who is a defendant in another of complainants' civil cases.

Complainants further allege that the judge has engaged in a conspiracy to interfere with complainants' civil rights and has "aided the defendants" in complainants' other cases, over which the judge did not preside. Court records indicate that complainants have filed a total of six civil cases, including one against the judge, each of which is

related to the case currently at issue. Finally, complainants contend that the judge exhibited bias in several other cases to which complainants were not parties.

The misconduct complaint is baseless. The reviewed record - including the misconduct complaint, as well as the dockets, relevant pleadings, and court orders issued in the cases - provides no facts indicative of bias or wrongdoing by the judge. In dismissing the complainants' case for lack of subject matter jurisdiction, the judge explained that there were no federal claims and that the parties lacked complete diversity. There is no evidence whatsoever that the judge was biased or prejudiced, either in favor of a local judge or otherwise. There is likewise no information suggesting that the judge "aided the defendants" in complainants' other cases, mishandled the proceedings to which complainants were not parties, or otherwise interfered with complainants' civil rights.

As the misconduct complaint is presented without any basis in fact, it is dismissed as frivolous, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(c)(1)(C). Insofar as complainants merely dispute the judge's order dismissing their case, the misconduct complaint is dismissed as not cognizable, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(B).

For the reasons stated, Complaint No. 01-11-90045 is 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).

12/15/11

Date

Andrea L Lynch

Chief Judge Lynch