

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

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IN RE  
COMPLAINTS NOS. 01-12-90001, 01-12-90002, 01-12-90003, and 01-12-90004

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BEFORE

Boudin and Lipez, Circuit Judges  
Lisi, Woodcock and Laplante, District Judges

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ORDER

ENTERED: AUGUST 1, 2012

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Petitioner, a litigant, has filed a petition for review of Chief Judge Lynch's order dismissing her complaint(s), under the Judicial Conduct and Disability Act, 28 U.S.C. § 351(a), against one district judge and three appellate judges in the First Circuit. The petitioner alleged that the judges suffered from a "disability" in presiding over petitioner's employment discrimination proceeding.

The petitioner alleged that the district judge, who allowed the defendant's motion for summary judgment, and the appellate judges, who affirmed the district court's order, were "disabled" because they failed to recognize the validity of petitioner's claims. The petitioner identified alleged flaws in the calculations, reasoning and conclusions of both the district and appellate courts.

Chief Judge Lynch dismissed the misconduct complaint. The Chief Judge determined that the petitioner failed to provide any factual basis for her claim. See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 3(e) (A judicial

disability is a "temporary or permanent condition rendering a judge unable to discharge the duties of the particular judicial office."). Chief Judge Lynch observed that, after a hearing at which petitioner was represented by counsel, the district judge issued a lengthy order allowing the defendant's motion for summary judgment. The Chief Judge further noted that, after oral argument, the three appellate judges issued a lengthy opinion affirming the district court's decision in the case.

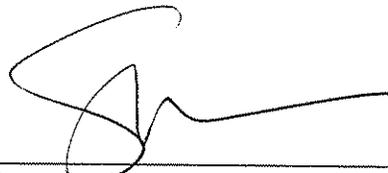
Chief Judge Lynch explained that the petitioner's disagreement with the courts' rulings did not evidence a "disability." See Rules of Judicial-Conduct, Rule 3 and Commentary on Rule 3 (An allegation that does nothing more than call into question the correctness of a judge's substantive decision is merits-related.). Accordingly, the misconduct complaint was dismissed as frivolous, 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 Judicial-Conduct, Rules 11(c)(1)(C), and 11(c)(1)(B), respectively.

In the petition for review, the petitioner reiterates her original claim that the judges erred in deciding her case. Asserting that the judges were incapable of reaching the correct decision, the petitioner recounts her underlying claims and arguments. Petitioner reasserts that the judges made computational errors, overlooked evidence, and reached faulty conclusions.

The petition for review is without merit. The petition for review, like the underlying misconduct complaint, provides no facts indicating that any of the charged judges suffered from a disability or otherwise engaged in wrongdoing. As Chief Judge Lynch explained, the petitioner's disagreement with the courts' rulings does not alone suggest that the judges were "disabled." See Rules of Judicial-Conduct, Rule 3 and Commentary on Rule 3. Accordingly, the

complaint was appropriately dismissed as unfounded, 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 Rule for Judicial-Conduct, Rules 11(c)(1)(C), and 11(c)(1)(B), respectively.

For the reasons stated herein, the order of dismissal issued in Judicial Misconduct Complaints No. 01-12-90001, 01-12-90002, 01-12-90003, and 01-12-90004 is affirmed. See Rules for Judicial-Conduct, Rule 19(b)(1).

A handwritten signature in black ink, appearing to read 'Susan Goldberg', is written above a horizontal line.

Susan Goldberg, Acting Secretary