

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

---

IN RE  
COMPLAINTS NOS. 01-12-90006, 01-12-90007, 01-12-90008, 01-12-90009, 01-12-  
90010, 01-12-90011, and 01-12-90012

---

BEFORE  
Lynch, Chief Circuit Judge

---

ORDER

ENTERED: APRIL 9, 2012

---

Complainant, a litigant, filed a complaint, under 28 U.S.C. § 351(a), alleging that five district judges and two magistrate judges engaged in misconduct. He says all dismissed the complainant's civil case and engaged in misconduct by doing so. The underlying case is one of six in this Circuit alone that complainant has filed against hundreds of named defendants. Court records indicate that the complainant has filed close to 50 cases nationally.

The complainant alleges only that the judges wrongfully dismissed complainant's "legitimate case." Complainant asserts that the order of dismissal issued by one of the district judges was "conclusory" and lacking factual corroboration. Complainant concludes that, in dismissing the case, the judges failed to uphold complainant's rights

and caused him harm, in purported violation of federal law.

The misconduct complaint is both not cognizable and utterly frivolous. Five of the seven charged judges named in the complaint were not involved in complainant's litigation. As to the remaining two judges, the reviewed record indicates that, the day after complainant filed the case and a motion to proceed *in forma pauperis*, the magistrate judge issued a decision recommending that the court dismiss the proceeding with prejudice and impose filing restrictions on the complaint. The magistrate judge determined that the complainant failed to articulate any viable basis for relief. The district judge affirmed the magistrate judge's recommended decision, and warned complainant that continued filing of frivolous lawsuits would result in the imposition of sanctions.

"Cognizable misconduct" does not include "an allegation that calls into question the correctness of a judge's ruling." Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rules 3(h)(3)(A). As complainant alleges nothing but his disagreement with the court's orders dismissing his case, the misconduct complaint is not cognizable. See 28 U.S.C. § 352(b)(1)(A)(ii), and Rules of Judicial-Conduct, 11(c)(1)(B). Since complainant does not offer a single fact suggestive of wrongdoing by any of the judges named in the misconduct complaint, it is also dismissed as frivolous, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(C).

For the reasons stated, Complaints Nos. 01-12-90006, 01-12-90007, 01-12-90008,

01-12-90009, 01-12-90010, 01-12-90011, and 01-12-90012 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).

Complainant is also warned here against the filing of further frivolous misconduct complaints.

April 9, 2002

Date

Sandra L. Lynch

Chief Judge Lynch