

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

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IN RE  
COMPLAINTS NOS. 01-12-90027, 01-12-90028, 01-12-90029 and 01-12-90030

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BEFORE  
Lynch, Chief Circuit Judge

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ORDER

ENTERED: JANUARY 30, 2013

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Complainant, a litigant, has filed a complaint, under 28 U.S.C. § 351(a), alleging that a magistrate judge and three appellate judges improperly dismissed complainant's employment discrimination case. Complainant alleges that the magistrate judge and the circuit judges failed to recognize that complainant had met his burden of proof under federal law. Complainant contends that the magistrate judge and the circuit judges neglected to assess the facts "from the viewpoint of a reasonable person," and asks that the judicial officers be investigated for abuse of discretion.

Complainant's claims do not constitute a cognizable misconduct complaint. The reviewed record - including the misconduct complaint, the dockets, and the relevant district and appellate court orders - offers no evidence of bias, abuse of discretion or other

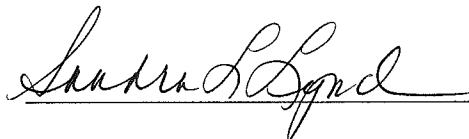
judicial wrongdoing. The magistrate judge issued a lengthy order determining that the facts as alleged failed to establish the complainant's legal claims. The appellate judges reviewed the district court record and affirmed the magistrate judge's ruling for the same reasons.

Where, as here, a misconduct complaint is based exclusively on complainant's disagreement with the substance of the courts' orders, it is not cognizable. See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 3(h)(3)(A) ("An allegation that calls into question the correctness of a judge's ruling . . . , without more, is merits-related."). Accordingly, the misconduct complaint is dismissed as merits-related, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii), and as baseless, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(B) and 11(c)(1)(C), respectively.

For the reasons stated, Complaints Nos. 01-12-90027, 01-12-90028, 01-12-90029, and 01-12-90030 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).

1/30/13

Date



Chief Judge Lynch