

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-15-90016, 01-15-90017, 01-15-90018 and 01-15-90019

BEFORE
Howard, Chief Circuit Judge

ORDER

ENTERED: DECEMBER 10, 2015

Complainant, a pro se litigant, has filed a complaint of misconduct, under 28 U.S.C. § 351(a), against a district judge and three appellate judges. The district judge named in the complaint presided over complainant's civil rights case, filed against current and former government officials, for a short time before the proceeding was dismissed by another district judge. The subject appellate judges issued rulings denying complainant's requests for relief in complainant's appeal of the district court's order of dismissal. The misconduct complaint is frivolous and is not cognizable.

Complainant presents no coherent allegations of judicial wrongdoing. She asserts only that federal court clerks, members of the Central Intelligence Agency (CIA) and others have falsely accused her of threatening to cause harm to governmental officials and of other improper behavior. Complainant alleges that, on several identified dates,

CIA and other government staff wrongfully searched complainant's residence and denied her requests for an attorney. Complainant continues that she recently filed a request to seal the case and a "motion for abuse of the complaint procedure." Complainant concludes that "everybody" has caused her "harm" but she is unable to "protect [herself] from the law."

As an initial matter, complainant's claims of wrongdoing by law enforcement and other federal employees are not cognizable under the judicial conduct and disability statute. See 28 U.S.C. § 351, and Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 4.

Complainant does not even allege, let alone provide evidence, that any of the named judges engaged in behavior that would constitute judicial misconduct. See Rules of Judicial-Conduct, Rule 3(h). The district judge named in the complaint did not issue any rulings in the case. After another district judge dismissed the case for failure to state a claim, complainant appealed. The Court of Appeals affirmed the order of dismissal. The appellate judges identified in the complaint issued orders denying complainant's motions for relief and one of the judges was a member of the appellate panel that issued final judgment affirming the district court's order of dismissal. There is no information in these orders or elsewhere in the record indicative of judicial impropriety.¹ Accordingly,

¹The "motion for abuse of the complaint procedure," which complainant references, was transmitted to the Circuit Executive's Office and reviewed in conjunction with the misconduct complaint.

the misconduct complaint is dismissed as frivolous, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(C).

Insofar as complainant is objecting to orders issued either in her underlying case or its appeal, the misconduct complaint is dismissed as not cognizable, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rules of Judicial-Conduct, Rule 11(c)(1)(B). See also Rules of Judicial-Conduct, Rule 3(h)(3)(A) ("Cognizable misconduct . . . does not include . . . an allegation that is directly related to the merits of a decision or procedural ruling. An allegation that calls into question the correctness of a judge's ruling . . . , without more, is merits-related.").

For the reasons stated, Complaint(s) Nos. 01-15-90016, 01-15-90017, 01-15-90018 and 01-15-90019 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.

December 10, 2015
Date


Chief Judge Howard