

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-09-90018

BEFORE
Lynch, Chief Circuit Judge

ORDER

ENTERED: JANUARY 5, 2010

Complainant, a pro se litigant, filed a complaint of judicial misconduct under 28 U.S.C. § 351(a) against a First Circuit district judge. The complainant alleges misconduct in connection with one of the complainant's multiple civil actions.¹ This complaint is the third in a recent series of four misconduct complaints filed by this litigant, each against a different judge. The other complaints have been dismissed. See Lynch, C.C.J., Order, In Re: Complaint No. 01-09-90015, October 20, 2009, Lynch, C.C.J., Order, In Re: Complaint No. 01-09-90016, October 20, 2009, and Lynch, C.C.J., Order, In Re: Complaint No. 01-09-90023, January 5, 2010. Petitions for review that the complainant filed in connection with the first two complaints are pending.

The complainant presently alleges that the judge exhibited bias by denying the complainant's motion to proceed in forma pauperis (IFP). The stated reason for the judge's denial was that the IFP motion did not include the required information. The complaint is frivolous. It includes no facts

¹Court records indicate that the complainant has filed nine other civil cases in the district in the past two years.

indicating bias or improper animus on the part of the judge, but is based exclusively on the complainant's disagreement with the substance of the court's order. "An allegation that calls into question the correctness of a judge's ruling, . . . without more, is merits-related." Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial Misconduct), Rule 3(h)(3)(A). Accordingly, the complaint is dismissed pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii), and 352(b)(1)(A)(iii). See also Rules of Judicial Misconduct, Rules 11(c)(1)(B), and 11(c)(1)(C).

For the reasons stated, Judicial Misconduct Complaint No.01-09-90018 is dismissed, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii) and 352(b)(1)(A)(iii).

4/05/10
Date

Sandra L. Lynch
Chief Judge Lynch