

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

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IN RE  
COMPLAINT NO. 01-10-90018

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BEFORE  
Lynch, Chief Circuit Judge

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ORDER

ENTERED: OCTOBER 19, 2010

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Complainant, a litigant, has filed a second complaint alleging a violation of the Judicial Conduct and Disability Act, 28 U.S.C. § 351 (a), against a First Circuit district judge. The complainant filed a virtually identical complaint (No. 473), in 2007, against the judge charged in the present matter (as well as against another district judge). The complaint, about events more than three years ago, also purports to seek damages.

First, as an initial matter, the Judicial Conduct and Disability Act, 28 U.S.C. § 351, et. seq., does not provide for damages to be awarded to complainants and that claim is dismissed.

Second, the complainant presented identical charges against the same judge in the last complaint. Then Chief Judge Boudin dismissed those charges as not cognizable pursuant to 28 U.S.C. § 352(b)(1)(A)(ii). See Boudin, C.C.J., Order, In Re: Complaint No. 473, November 7, 2007, at 3. The complainant offers no new evidence or information suggesting that the judge's rulings (denying the issuance of summonses and dismissing the case) were improperly motivated.

Absent evidence of bias -- of which there is none -- the present complaint is likewise dismissed as not cognizable. See 28 U.S.C. § 352(b)(1)(A)(ii), and Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(c)(1)(B).

For the reasons stated, Judicial Misconduct Complaint No.01-10-90018 is dismissed, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii).

10/19/2010  
Date

Sandra L. Lynch  
Chief Judge Lynch