

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINTS NOS. 01-13-90017 and 01-13-90018

BEFORE
Lynch, Chief Circuit Judge

ORDER

ENTERED: FEBRUARY 7, 2014

Complainant, a pro se plaintiff in a civil proceeding, filed a complaint, under 28 U.S.C. § 351(a), alleging that the presiding magistrate judge and district judge engaged in misconduct and manifested a disability by dismissing complainant's case. The misconduct complaint is not cognizable.

Complainant filed a tort case against over 200 state and federal governmental actors. The magistrate judge issued an order granting complainant's motion to proceed in forma pauperis but explained that his pleadings failed to allege any facts and gave complainant several weeks to file an amended complaint. When complainant failed to do so, the magistrate judge recommended that the case be dismissed because of complainant's failure to state a viable cause of action. Complainant did not object to the

magistrate judge's recommended decision and the presiding district judge dismissed the case. Complainant did not seek to appeal the order of dismissal, entered over two years ago.

Complainant now files the present misconduct complaint alleging that the judge and the magistrate judge relied on "misguided assertions," violated state and federal law, exhibited "bad faith" and inferior "judicial temperament," demonstrated a lack of "mastery of the relevant and applicable facts, laws, codes, statutes, rules and regulations," and manifested "altered mental states and mental dysfunction" Complainant concludes that the judge and magistrate judge engaged in "prejudiced, overzealous and malicious conduct . . . [that] seriously and severally [sic] inhibited the timely disposition of [complainant's case and resulted] in an unprecedented and unforeseen waste of time and resources and irreparable damages and/or injuries [to complainant]"

Complainant offers no facts whatsoever in support of his unspecified claims of judicial wrongdoing and disability. The misconduct complaint amounts to nothing more than a belated challenge to the judges' orders dismissing complainant's case. "Cognizable misconduct . . . does not include . . . [a]n allegation that calls into question the correctness of a judge's ruling, . . . without more" Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 3(h)(3)(A). Accordingly, the misconduct complaint is dismissed as not cognizable, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(B).

Since the complainant fails to provide any evidence of misconduct, disability or other impropriety by either the district judge or the magistrate judge, the misconduct complaint is also 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).

For the reasons stated, Complaints Nos. 01-13-90017 and 01-13-90018 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).

2/7/14
Date

Sander L. Lynch
Chief Judge Lynch