

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

---

IN RE  
COMPLAINT NO. 01-15-90029

---

BEFORE  
Lynch and Kayatta, Circuit Judges  
Laplante, McConnell and Delgado Hernández, District Judges

---

ORDER

ENTERED: SEPTEMBER 21, 2016

---

Petitioner, an incarcerated pro se litigant, has filed a petition for review of Judge Torruella's order dismissing his complaint, under 28 U.S.C. § 351(a), against a First Circuit appellate judge. Petitioner alleged that the judge and the "Judicial Conference Committee" violated his rights and federal law by allowing federal judges to engage in criminal activity and ignore his petitions for review. Judge Torruella dismissed the complaint as frivolous and not cognizable.

Petitioner originally alleged only that the judge and "the Judicial Conference Committee . . . violated [petitioner's] statutory, civil, Constitutional and [h]uman [r]ights by allowing [f]ederal [j]udges to commit crimes and by refusing to address [petitioner's]

petitions for [r]eview in violation of 28 U.S.C. § 331."<sup>1</sup> Judge Torruella's review of court records revealed that petitioner is a serial filer who, in one recent year, filed a number of unsuccessful appeals in the First Circuit. The judge who is the subject of the present matter participated in several of these cases. Because petitioner provided no facts indicative of misconduct by the appellate judge, Judge Torruella dismissed the complaint as frivolous. See 28 U.S.C. § 352(b)(1)(A)(iii) and Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(c)(1)(C). To the extent that the complaint was based on petitioner's disagreement with orders issued in his appeals, Judge Torruella dismissed it as not cognizable. See 28 U.S.C. § 352(b)(1)(A)(ii) and Rules of Judicial-Conduct, Rule 11(c)(1)(B).

In his petition for review, petitioner alleges that he has "been denied access to the courts since 2004[, as well as] all statutory, civil, criminal, Constitutional, and [h]uman [r]ights." Petitioner includes no allegations against the First Circuit appellate judge against whom he filed the present complaint, but makes numerous claims against circuit and district judges from another circuit, Bureau of Prison employees and others.<sup>2</sup>

The petition for review is meritless. Like the underlying misconduct complaint, the petition is devoid of any information suggesting wrongdoing by the appellate judge. Accordingly, the misconduct complaint was appropriately dismissed as not cognizable

---

<sup>1</sup> Judge Torruella explained that the judicial misconduct complaint process does not provide an avenue for asserting claims against a committee of the Judicial Conference of the United States. See 28 U.S.C. § 351, *et seq.* and Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct).

<sup>2</sup> Petitioner's newfound claims against judicial officers from outside of the First Circuit and other officials are not cognizable. See 28 U.S.C. § 351(a) and Rules of Judicial-Conduct, Rules 4 and 7(a)(1).

and frivolous. See 28 U.S.C. §§ 352(b)(1)(A)(ii) and 352(b)(1)(A)(iii), respectively.

See also Rules of Judicial-Conduct, Rules 11(c)(1)(B) and 11(c)(1)(C).

For the reasons stated herein, the order of dismissal issued in Judicial Misconduct Complaint No. 01-15-90029 is affirmed. See Rules for Judicial-Conduct, Rule 19(b)(1).

9/21/14

Date



Susan Goldberg, Secretary