

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-18-90027, 01-18-90028, 01-18-90029,
01-18-90030, and 01-18-90031

BEFORE
Howard, Chief Circuit Judge

ORDER

ENTERED: MAY 16, 2019

Complainant, a pro se litigant, has filed a complaint of misconduct, under 28 U.S.C. § 351(a), against two (2) appellate judges and three (3) district judges in the First Circuit. Complainant appears to allege judicial misconduct in connection with the dismissal of his previous misconduct complaint. The instant misconduct complaint is frivolous and is not cognizable.

Complainant presents a series of incoherent statements and encloses the first page of the order issued by the Judicial Council of the First Circuit affirming the dismissal of his previous misconduct complaint. Complainant identifies the judges who comprised the Judicial Council panel that issued the order as subjects of the present complaint. Complainant alleges that he has been subjected to "aggregious [sic] treatment" and has been "mistreated repeatedly." Complainant makes other vague and incoherent allegations

of misconduct and claims that there is evidence that proves "deprivation of rights to quiet enjoyment and privacy . . . at [complainant's] residence."

Complainant references one (1) of the civil cases underlying his previous misconduct complaint, as well as the pending appeal of the case. Complainant encloses numerous documents with his misconduct complaint, including, but, not limited to, correspondence between complainant and various federal agencies (relating to alleged incidents during which government officials violated complainant's rights), and pleadings from civil cases complainant had filed in a district court in another circuit. Finally, complainant requests various relief, including that the court vacate prior rulings, "request[] an amended complaint," and "award[] temporary injunctive relief."

As an initial matter, the judicial misconduct complaint procedure does not provide an avenue for obtaining relief in a case, including vacating rulings, issuing orders, or granting injunctive relief. See 28 U.S.C. § 351, et seq.; see also Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rules 11, 19, and 20.

The reviewed record, including the instant misconduct complaint and its attachments, as well as the previous misconduct complaint and the record of the underlying proceedings, is devoid of any information suggesting that any of the subject judges were improperly motivated in affirming the dismissal of complainant's first misconduct complaint or otherwise treated complainant improperly. In that matter, complainant alleged that the district judge presiding over two (2) of his civil cases was

biased against complainant, treated complainant improperly, prematurely dismissed complainant's first case, and violated the Code of Conduct for United States Judges. Based on a review of the record of the relevant proceedings, I determined that there was no information suggesting that the subject judge was biased or otherwise acted improperly, and that complainant's claims were based exclusively on petitioner's objections to the court's orders. Accordingly, the misconduct complaint was dismissed as baseless, as not cognizable, and as not indicative of misconduct, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i), 352(b)(1)(A)(ii), and 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(A), 11(c)(1)(B), and 11(c)(1)(D), respectively.

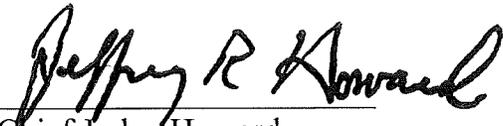
The record further shows that complainant filed a petition for review of the order dismissing his first misconduct complaint, in which he alleged that the complaint was erroneously dismissed, that he continued to be harassed and stalked, and that the documents included with the petition corroborate his underlying claims and undermine the misconduct complaint investigation. Based on a review of the complaint proceeding, the presiding First Circuit Judicial Council panel determined that neither complainant's claims in the petition for review nor the attached materials contained any information that undermined the determinations with respect to the underlying complaint and affirmed the order of dismissal.

Complainant offers no information whatsoever to question the Judicial Council's review of the previous misconduct complaint or that would otherwise suggest that the panel treated complainant improperly in any way. "Any allegation that calls into

question the correctness of an official action of a judge -- without more -- is merits-related. . . . [A] complaint challenging the correctness of a . . . determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related" Rules of Judicial-Conduct, Commentary on Rule 4. Accordingly, the instant misconduct complaint is dismissed as not cognizable and as frivolous, pursuant to 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, Complaint Nos. 01-18-90027, 01-18-90028, 01-18-90029, 01-18-90030, and 01-18-90031 is 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. Complainant is also advised that further attempts to use the judicial misconduct process exclusively to challenge the substance of judicial rulings may precipitate issuance of an order to show cause in accordance with Rule 10 of the Rules of Judicial-Conduct.

May 16, 2019
Date


Chief Judge Howard