

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-23-90031, 01-23-90032, 01-23-90033, 01-23-90034, 01-23-
90035, 01-23-90036, 01-23-90037, AND 01-23-90038

BEFORE
Aframe, Circuit Judge

ORDER

ENTERED: MARCH 24, 2025

Complainant, a pro se litigant, has filed a complaint, under 28 U.S.C. § 351(a), against six circuit judges, a district judge, and a magistrate judge in the First Circuit. Complainant alleges judicial misconduct in connection with her civil proceeding and appeal thereof. The misconduct complaint is baseless, not indicative of misconduct, and not cognizable.

Complainant alleges that the judges were engaged in a criminal conspiracy against her and committed numerous federal crimes, including, but not limited to, seditious conspiracy, wire fraud, obstruction of justice, and racketeering, while presiding over her civil proceeding and subsequent appeal.¹

¹ Complainant seems to include allegations against other circuit and district judges, but, as she does not identify them as subjects of the complaint, as required by the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), complainant was notified that the complaint was accepted only against the subject judges, and these allegations are not addressed. See Rules of Judicial-Conduct, Rules 1, 3(h), and 6. Complainant also includes allegations against defendants and defendants' counsel, and asserts that court staff conspired against complainant. Specifically, complainant asserts that the appellate clerk of court violated federal law by issuing an order that should have been issued by judges. Further, complainant asserts that the docket in a district court civil case, in which neither of the subject district judges had any involvement, is improperly missing information and documents. The governing statute and the Rules of Judicial-Conduct provide for the filing of complaints against

Specifically, complainant alleges that, motivated by racial and socioeconomic bias, the district and magistrate judges conspired against her to issue a fraudulent order denying complainant's amended complaint as confused and vague, and conspired with one of the defendants to dismiss the defendant sua sponte from the case. Complainant further asserts that the district judge "did not comply with [her] request" for clarification of the order referring defendants' motion to dismiss and to strike to the magistrate judge. Complainant also alleges that the magistrate judge did not review the case docket, attempted to deprive complainant of her rights by recommending dismissal of complainant's amended complaint, and falsely stated that the district judge had denied complainant's motions for default judgment.

As to the Court of Appeals judges, complainant alleges that they conspired to "manufacture court cases," accepted bribes, and laundered millions of dollars in presiding over her appeal. She further alleges that the judges violated Canons 1 and 3 of the Code of Conduct for U.S. Judges (Code of Conduct)² and conspired to obstruct her appeal by denying her petition for rehearing en banc, as evidenced by the exclusion of several judges from the en banc decision, whom complainant asserts were active judges and, therefore, were required to participate, and the inclusion of another judge, whom complainant asserts was a senior judge who should not have participated. Complainant

federal judges only. See 28 U.S.C. § 351, and Rules of Judicial-Conduct, Rules 1 and 3(h). Nonetheless, there is no support in the record for complainant's allegations against staff. See infra pp. 3-6. A review of the relevant district court docket does not indicate any wrongdoing, and, in any event, the conduct of court staff in exercising their administrative duties is not attributable to judges. See Lynch, C.C.J., Order, In Re: Complaint No. 01-15-90002 (June 11, 2015), at p. 7.

² Canon 1 of the Code of Conduct for U.S. Judges (Code of Conduct) provides, in part, that "a judge should uphold the integrity and independence of the judiciary," and Canon 3 provides, in part, that "a judge should perform the duties of the office fairly, impartially[,] and diligently."

further asserts that the court denied the petition for rehearing en banc in order to avoid reopening her previous appeals.

Complainant also alleges that the appellate judges engaged in fraud and violated federal law, Canons 1 and 2 of the Code of Conduct,³ and her due process rights when the court issued an order unsealing her filings that did not include the names or signatures of the judges issuing the order, did not have an "enforcement date and therefore sealed her filings indefinitely," and was issued by the clerk of court, as opposed to by judges.⁴ Complainant adds that the three judges comprising the panel assigned to her appeal failed to address complainant's motion requesting clarification of when her filings would be unsealed. Complainant further asserts that the Court of Appeals has published case summaries that include false statements regarding two of complainant's previous cases.

The reviewed record, including the misconduct complaint and attachments and the dockets of the proceedings, provides no evidence to support complainant's allegations of judicial wrongdoing. According to the record, complainant filed pro se a civil action against a municipal office and several of its employees, as well as a motion to proceed in forma pauperis, which the district judge granted. Subsequently, complainant filed a motion to amend the complaint and an amended complaint. Returned, executed summonses for each defendant were docketed, and complainant filed eight additional motions to amend the complaint. The judge denied the motions to amend, explaining that,

³ See supra note 2. Canon 2 of the Code of Conduct provides, in part, that "a judge should avoid impropriety and the appearance of impropriety in all activities."

⁴ Complainant states that this order was issued on a different date than indicated on the docket. According to the docket, on the date on which complainant states the order unsealing her filings was issued, the Court of Appeals issued an order providing complainant an opportunity to request that her filings be unsealed. See infra p. 6.

as complainant had already filed an amended complaint, any additional amendments require either defendants' consent or leave of court, and that complainant has provided no clear statement of the additional claims and factual allegations she intends to raise in the second amended complaint.

Days later, complainant filed, among other pleadings, motions to amend the complaint and for default judgment, respectively, asserting that defendants have failed to respond to the civil complaint. The district judge allowed the motion for default, directed that a notice of default be issued, and denied the motion to amend. After the court entered the notice of default, complainant filed two additional motions for default judgment, defendants filed a motion to set aside the default, asserting, in part, that defendants' counsel had transitioned to private practice prior to the deadline for responding to complainant's action and that successor counsel had recently been assigned to the matter, and complainant filed an objection. The judge entered a several-page order outlining the relevant history; summarizing the parties' positions; granting the motion to set aside the default, explaining, in part, that, while it is concerning that defendants' original counsel failed to respond to the civil complaint, there was no suggestion of bad faith; and denying complainant's motions for default judgment as moot.

Subsequently, defendants filed a motion to strike portions of and to dismiss the civil complaint on the grounds that it is vague, includes immaterial facts, and fails to provide a short and concise statement requesting relief, which complainant opposed, and

the district judge referred the motion to the magistrate judge.⁵ The magistrate judge entered a multiple-page report and recommendation, outlining the factual and procedural history, including that the district court had denied complainant's two most recent motions for default judgment, and explained that, as complainant's more than 100-page civil complaint is confused and vague, it should be dismissed. In the report and recommendation, the magistrate judge noted that one of the defendants is not listed as a movant on the motion to dismiss, although all defendants are represented by the attorney who filed the motion, but that, regardless, the claims against that defendant should be dismissed for the reasons explained in the report and recommendation. See supra note 5.

After the magistrate judge entered the report and recommendation, complainant filed an objection and a motion for clarification of the court's order of referral to the magistrate judge, and the district judge adopted the report and recommendation and dismissed the case.

Complainant appealed the dismissal of the case in the Court of Appeals, asserting that she adequately pled her entitlement to relief, and filed multiple pleadings requesting that the court allow her to file numerous attached addenda comprised of documents that show defendants' wrongdoing occurring after the filing of the appeal. The appeal was submitted on the briefs, and a panel, comprised of one senior judge and two active judges, entered a judgment in which it affirmed the district court's dismissal and reasons therefor, denied all pending motions, including those seeking to supplement the record as

⁵ The motion to dismiss did not include one of the defendants, although the attorney who filed the motion entered an appearance on behalf of all defendants.

there were no extraordinary circumstances warranting such relief, and sealed a number of complainant's filings, including some of the proposed supplements.

Subsequently, complainant filed a motion to clarify the court's judgment sealing portions of the docket and to unseal all of complainant's filings, and a judge on the panel assigned to the appeal issued an order, signed by the clerk of court, explaining that complainant had filed many hundreds of pages of exhibits in the appeal that were not reviewable, as they are not included in and post-date the district court record, and that the court sealed many of these filings because they include complainant's and others' personal information, and clarifying that complainant can access the sealed portions of the docket. In the order, the court provided complainant the opportunity to file a statement requesting the unsealing of the filings, which complainant submitted, and the panel assigned to the appeal issued an order, signed by the clerk of court, unsealing all documents, with the exception of one that includes personal information of an unrelated individual.

Among other documents, complainant filed pleadings in which she requested that the court specify the date by which her filings would be unsealed and a petition for panel rehearing and rehearing en banc. The court entered an order, issued by the active judges of the court, as well as the senior judge who was on the panel assigned to the appeal, explaining that the original panel assigned to the case denied the petition for rehearing and that the petition for rehearing en banc was submitted to the active judges of the court, a majority of whom did not vote that the case be heard en banc, and denying all other pending post-judgment motions.

The misconduct complaint is meritless. There is no evidence to support complainant's allegations that any of the judges were engaged in a conspiracy against complainant, committed any crimes, violated the Code of Conduct,⁶ were biased against complainant based on race, socioeconomic status, or any other reason, issued fraudulent orders, ignored the docket, or otherwise engaged in any judicial wrongdoing in presiding over complainant's proceedings. Contrary to these allegations, the record indicates that both the district court and the Court of Appeals issued detailed, reasoned orders in complainant's proceedings, outlining, where appropriate, the relevant history of the proceedings based on the record, and explaining the bases for their decisions, some of which were in complainant's favor. See supra pp. 3-6.

As to the Court of Appeals' orders regarding the sealing of complainant's records, the fact that the orders were signed on behalf of the court by the clerk in no way indicates an improper motive or other judicial misconduct, and complainant's assertion that the orders were improperly issued by the clerk, as opposed to judges, is belied by the record, as the record identifies the issuing judges. See supra p. 6. Likewise, the complement of judges deciding complainant's petition for rehearing en banc does not evidence conspiracy or other judicial wrongdoing. In fact, contrary to complainant's allegation, the decision regarding whether to grant complainant's petition for rehearing en banc was

⁶ A violation of the Code of Conduct may inform consideration of a judicial misconduct complaint but does not necessarily constitute judicial misconduct. See Code of Conduct, Canon 1 Commentary (While the Code of Conduct may "provide standards of conduct for application in proceedings under the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 351-364), [n]ot every violation of the Code [of Conduct] should lead to disciplinary action."); and Rules of Judicial-Conduct, Commentary to Rule 4 ("While the Code [of Conduct's] Canons are instructive, ultimately the responsibility for determining what constitutes cognizable misconduct is determined by the Act [28 U.S.C. § 351, et seq.] and these Rules . . .").

decided only by all of the active judges of the Court of Appeals at that time, in accordance with the applicable local rule. See supra p. 6, and First Circuit Court of Appeals Local Rule 40.0(c)(1). Moreover, complainant does not identify the Court of Appeals case summaries allegedly containing false information or provide any other support for this claim. Accordingly, the complaint is dismissed as not indicative of misconduct and baseless, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i) and (iii), respectively. See also Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rules 11(c)(1)(A) and (D).

Where, as here, there is no evidence of improper judicial motive or other judicial wrongdoing, complainant's objections to the substance or timing of the courts' orders and rulings (including, but not limited to, the Court of Appeals' orders denying complainant's petition for rehearing and rehearing en banc and all other pending post-judgment motions, directing complainant to notify the court of her wish to unseal her filings, and unsealing the filings, and the district court's order of referral to the magistrate judge, report and recommendation to dismiss the civil complaint, and order dismissing the complaint) are not cognizable. See 28 U.S.C. § 352(b)(1)(A)(ii), and Rules of Judicial-Conduct, Rule 11(c)(1)(B). See also Rules of Judicial-Conduct, Rule 4(b)(1) and (2) ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling If the decision or ruling is alleged to be the result of an improper motive . . . the complaint is not cognizable to the extent that it calls into question the merits of the decision. . . . Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an

improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases."), and Commentary to Rule 4 ("Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge — without more — is merits-related."). Accordingly, the 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).

For the reasons stated, Complaint Nos. 01-23-90031, 01-23-90032, 01-23-90033, 01-23-90034, 01-23-90035, 01-23-90036, 01-23-90037, and 01-23-90038 is dismissed pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i), (ii), and (iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(A), (B), and (D), respectively.

March 24, 2025
Date



Judge Aframe