

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-24-90003

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: APRIL 15, 2025

Complainant, a pro se litigant, has filed a complaint under 28 U.S.C. § 351(a) against a district judge in the First Circuit. Complainant alleges judicial misconduct in connection with her civil case, over which the judge presided. The misconduct complaint is baseless and not cognizable.

Complainant alleges that the judge violated complainant's constitutional rights by dismissing her civil complaint, thereby requiring complainant to file her case a second time. Complainant further alleges that the judge included false statements in the order dismissing her civil complaint, punished complainant, and engaged in fraud and theft. Complainant asserts that the judge ignored complainant's motion to provide oral evidence and emergency motions for relief, and that the judge's failure to act on these motions demonstrates bias and prejudice against complainant. Complainant further asserts that the judge should have held an emergency hearing regarding complainant's claims of defendant's fraud included in her emergency motions for relief. Complainant adds that the

judge "acted in the absence of jurisdiction within both [a] personal [] and official capacity."

Complainant requests that the filing fee she paid with respect to her civil case be returned to her, that defendant be ordered to pay a fine, and that she receive various other "equitable" relief related to her case.¹

As an initial matter, the judicial misconduct complaint procedure does not provide for relief in a case, as complainant requests. See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rules 11, 19(b), and 20(b). Further, the reviewed record, including the misconduct complaint and the docket of the relevant proceeding, provides no basis for complainant's conclusory allegations of judicial misconduct. According to the record, complainant filed a civil action pro se against a private individual, alleging, among other things, fraud and violations of federal criminal statutes. Over the next several weeks, complainant filed a number of pleadings, including, but not limited to, five emergency motions for relief and a motion to provide oral evidence.

The judge entered electronic orders: (1) briefly outlining complainant's allegations, explaining that the court construed complainant's civil complaint generously in light of her pro se status, and dismissing the civil complaint without prejudice for failure to state

¹ In the misconduct complaint, which appears to be a copy of a civil complaint that complainant filed in the same district court against the subject judge and defendant and which a district judge from another district in the First Circuit dismissed, complainant includes numerous allegations against defendant, a private individual. As the governing statute and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct) provide for the filing of complaints against federal judges only, these allegations are not addressed. See 28 U.S.C. § 351, and Rules of Judicial-Conduct, Rules 1 and 3(h).

a claim; and (2) dismissing complainant's pending motions as moot. On the same day the judge entered these orders, complainant filed an emergency motion for reconsideration of the order dismissing her civil complaint, which the judge subsequently denied.²

The misconduct complaint is meritless. There is no support in the misconduct complaint or the record for complainant's conclusory allegations that the judge violated complainant's constitutional rights, ignored her filings, was biased or prejudiced against complainant, acted without jurisdiction, or engaged in any other judicial wrongdoing. Contrary to complainant's allegations, the record indicates that the judge considered and liberally construed complainant's civil complaint and issued an order explaining the reasons for the court's dismissal of the complaint without prejudice, as well as an order denying complainant's pending motions as moot. See supra pp. 2-3. Accordingly, the complaint is dismissed as baseless, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(D).

Where, as here, there is no evidence of bias or other improper judicial motive, complainant's objections to the substance or timing of the judge's orders dismissing her civil complaint and denying her motions, including, but not limited to, those for relief and to provide oral evidence, are not cognizable. See 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

² After filing this judicial misconduct complaint, complainant filed numerous motions, including, but not limited to, motions for reconsideration. The judge denied all of the pending motions and entered an order dismissing the case without prejudice.

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 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 No. 01-24-90003 is dismissed pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii) and (iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(B) and (D).

April 15, 2025
Date


Chief Judge Barron