

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-24-90006

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: JULY 30, 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 that the judge engaged in judicial misconduct in connection with his civil case over which the judge presides. The misconduct complaint is baseless and not cognizable.

Complainant alleges that, in a "biased, mala fide, [] deceptive," and "intellectually dishonest" order denying and sealing several of complainant's motions, the judge deliberately concealed conflicts of interest due to a friendship and a professional relationship with defendants' counsel and with "prominent politicians named in [complainant's] motions."¹ Complainant asserts that the judge is a "high level influential [political] party operative" who has a "racist" practice of "protecting corrupt" attorneys and elected officials who are politically aligned with the judge and that the order sealing

¹ Complainant seems to include allegations of misconduct by defendants' counsel, state and federal government officials and employees, and other individuals. However, 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. See 28 U.S.C. § 351, and Rules of Judicial-Conduct, Rules 1 and 3(h). Accordingly, any allegations against these individuals are not addressed.

complainant's motions perpetuated that practice. As support for his assertion that the judge has a practice of protecting those who share the judge's political opinions, complainant asserts that the judge "manipulate[d] the law" to assist the disbarred relative of an elected official regain a license to practice law. Complainant also objects to the judge's conclusion in the referenced order that complainant's motions sought no relief.

Complainant further asserts that the judge had ex parte communications with defense counsel, which resulted in defendants' submission of "orchestrated" pleadings. Complainant contends that, because of the judge's friendship with defense counsel, the judge ignored complainant's motion informing the court of misleading statements made by defendants' counsel, suppressed and sealed evidence provided by complainant without a notice or hearing, and responded to defense counsel's concerns and falsified facts to protect defendants' counsel. Complainant also objects to the judge's denial of complainant's motion requesting relief regarding an agreement between complainant and a law firm and seems to allege that the judge improperly denied complainant's requests regarding legal fees that complainant paid to an attorney because of a professional relationship between the judge and the attorney.

Complainant contends that the judge has betrayed the public's trust and outwardly valued friendships above the law and requests that the judge be suspended pending investigation and removed from complainant's case and from the bench.

As an initial matter, the judicial misconduct procedure does not provide an avenue for removing a judge from a case or suspending or removing a judge from office. See 28 U.S.C. § 351, et seq., and Rules for Judicial-Conduct and Judicial-Disability Proceedings

(Rules of Judicial-Conduct), Rules 11, 19(b), and 20(b). The reviewed record, including the misconduct complaint and docket of the relevant proceeding, provides no basis for complainant's allegations of judicial misconduct.

The record indicates that, complainant, through counsel, initiated a civil rights action against his former employer and its leadership. Defendants filed a motion to dismiss all but one count of the civil complaint for failure to state plausible causes of action, complainant filed a response, and defendants filed a reply. After holding a hearing on the motion, the judge entered a multiple-page memorandum and order reciting the background of the case, providing the applicable standard of review, discussing each count, and denying, in part, and granting, in part, defendants' motion to dismiss.

After the court issued this ruling, complainant filed two motions to amend the civil complaint, which the court granted, and the amended complaints, and defendants filed answers. After the court scheduled the deadline for dispositive motions, the parties filed a joint motion for an extension of time for defendants to file a motion for summary judgment and for complainant to file a reply in order to provide time for complainant to secure substitute counsel as his current attorney would be filing a motion to withdraw, and the judge granted the motion for an extension. Complainant's counsel moved to withdraw, and the court granted the request, set a deadline for an entry of appearance by replacement counsel or by complainant pro se, and stayed the deadline for defendants' summary judgment motion. Subsequently, the judge granted complainant's motion to proceed as a pro se electronic filer and, after holding a chambers conference, defendants' motion requesting that the court establish a summary judgment briefing schedule.

Thereafter, complainant filed pro se motions alleging that defendants' counsel misrepresented facts during the chambers conference and requesting that the court terminate his representation agreement with prior counsel and resolve disputed legal fees, and defendants filed oppositions and motions to file the oppositions under seal, which the court granted. Complainant filed pro se responses to defendants' oppositions in which he, in part, asserted that defendants' counsel continued to misrepresent the law and facts and that counsel's requests to seal documents were an attempt to conceal evidence, and defendants filed an opposition to complainant's responses.

The judge entered an order denying complainant's motions, placing them under seal, and finding that they did not request proper relief and inaccurately described defense counsel's conduct during the case, which appeared proper. The case is pending.

The misconduct complaint is without merit. There is no information in the record or the complaint suggesting that, in presiding over complainant's case, the judge was biased, deceptive, or dishonest, had a conflict of interest based on personal or professional relationships, political opinions, race, or any other reason, ignored complainant's filings, protected defense counsel, or was otherwise improperly motivated. Contrary to complainant's allegations, the record demonstrates that the judge entered reasoned orders, denied defendants' motion to dismiss on certain counts, and granted a number of complainant's motions. See supra pp. 3-4. Further, complainant's allegations that the judge engaged in ex parte communications with defense counsel or improperly assisted a disbarred attorney in regaining a law license are also unsupported.

Accordingly, the misconduct complaint is dismissed as baseless. See 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(D).

In the absence of any evidence of bias, improper judicial motive, or other judicial wrongdoing, complainant's objections to the substance of the court's rulings, including, but not limited to, the order denying and sealing a number of complainant's motions, 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) ("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. . . ."), 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 No. 01-24-90006 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), respectively.

July 30, 2025
Date



Chief Judge Barron