

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-24-90014

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: AUGUST 28, 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 presided. The misconduct complaint is baseless and not cognizable.

Complainant alleges that, in wrongfully dismissing his civil case against a state court judge and a state agency, the district judge "overlooked" and perpetuated constitutional violations and procedural errors committed by defendants. Complainant objects to the district judge's dismissal of his case without holding a hearing. Complainant alleges that the judge violated federal civil rights law and lied to complainant while presiding over his case. Complainant also seems to assert that the judge violated various canons of the Code of Conduct for U.S. Judges (Code of Conduct).¹

¹ Complainant simply provides the text to several canons and related commentary from the Code of Conduct for U.S. Judges (Code of Conduct), including, but not limited to, Canons 1, 2, and 3, but does not state that the district judge violated these Canons. See Code of Conduct, Canons 1 (providing, in part, that "a judge should uphold the

The record, including the misconduct complaint and docket of the relevant proceeding, provides no basis for complainant's allegations of judicial misconduct. According to the record, complainant filed pro se a civil action against a state court judge and a state agency, alleging that both violated his constitutional rights in connection with a state court proceeding, and a motion to proceed in forma pauperis. Over the next several weeks, complainant filed multiple pleadings, including, but not limited to, an amended complaint, a motion that the district court intervene in his state court proceeding, and a motion for summary judgment.

The following month, the judge entered a multiple-page memorandum and order granting the motion to proceed in forma pauperis; explaining why each of complainant's claims failed on grounds including, but not limited to, failure to state a claim upon which relief can be granted, judicial immunity, and lack of jurisdiction; dismissing the case; and terminating all pending motions.

After the case was dismissed, complainant filed several pleadings, including, but not limited to, a motion to proceed with the case and for entry of default, and the judge entered a several-page order denying all pending motions as moot, ordering complainant not to file any further documents with the exception of a notice of appeal, and certifying that any appeal of the dismissal of the case would not be in good faith.

integrity and independence of the judiciary"), 2 (providing, in part, that "a judge should avoid impropriety and the appearance of impropriety in all activities"), and 3 (providing, in part, that "a judge should perform the duties of the office fairly, impartially[,] and diligently").

The misconduct complaint is without merit. Neither the complaint nor the record of the proceeding provides any evidence that the judge violated the law or the Code of Conduct,² lied, or was improperly motivated in presiding over complainant's case. The record establishes that the judge entered reasoned rulings, including a lengthy order of dismissal detailing the bases for dismissal of each of complainant's claims and granting complainant's motion to proceed in forma pauperis. See supra p. 2. Accordingly, the complaint is dismissed as baseless, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(c)(1)(D).

In the absence of any evidence of improper judicial motive, complainant's objections to the judge's rulings, including, but not limited to, the order dismissing the case in the absence of a hearing, 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

² 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 should lead to disciplinary action."); and Rules for Judicial-Conduct and Judicial-Disability Proceedings, 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.").

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. 01-24-90014 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.

August 28, 2025
Date



Chief Judge Barron