

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINTS NOS. 01-24-90019 - 01-24-90020 and
01-25-90043 - 01-25-90044

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: OCTOBER 17, 2025

Complainant, a pro se litigant, has filed two complaints under 28 U.S.C. § 351(a), both against two district judges in the First Circuit. Complainant alleges judicial misconduct in connection with two of complainant's civil cases. The misconduct complaints are baseless, not indicative of misconduct, and not cognizable.

Complaints

Complaint Nos. 01-24-90019 - 01-24-90020

In the first complaint, complainant asserts that both judges were biased against complainant while presiding over his first civil case. Complainant specifically alleges that the first judge "hates inmates." He further alleges that the judge ignored complainant's medical issues; made "egregious statements" without knowledge of the facts, reviewing complainant's pleadings, or completing "due diligence;" and "lied" in rulings, including, specifically, the order granting, in part, and denying, in part, defendants' motion to dismiss complainant's case. Complainant objects to the first judge's repeated denials of

his emergency motions regarding medical treatment and alleges that the judge and the judge's clerk refused to provide complainant with copies of his pleadings and other court documents.

Specifically with respect to the second judge, complainant asserts that the judge has conspired with the state attorney general to prevent the appointment of an inspector general, who would monitor the conduct of judges, in order to cover up the judge's own wrongdoing. Complainant further alleges that the second judge called complainant "a liar."

Complainant also asserts that he saw on television the state attorney general "present[ing] a fake award," funded by either the attorney general, the attorney general's office, or a "political election committee," to the "judges of the 1st dist[ri]ct," and that both judges attended the award ceremony. Complainant states that the attorney general, who complainant asserts "is a litigant" in his first case, presented the award, presumably to the two judges, in order to advance his interests in court.¹ Complainant further alleges that the judges' attendance at the award ceremony amounted to improper ex parte communication.

Complainant requests an investigation into all cases involving the state attorney general over which either of the judges presided.

¹ Complainant includes in both complaints allegations against and/or requests for relief regarding the state attorney general and department of corrections employees that are not addressed 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. See 28 U.S.C. § 351, and Rules of Judicial-Conduct, Rules 1 and 3(h).

Complaint Nos. 01-25-90043 - 01-25-90044

In his second complaint, complainant alleges that, after he requested the second judge's recusal from an unspecified case, either the subject judges or court staff opened "fake" cases, which is evidenced by the fact that the letters included in the case docket numbers for his cases had changed. Complainant asserts that the fake cases were opened so that complainant would have "three strikes" under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).²

Complainant requests that the chief judge of the relevant district investigate the judges' misconduct.

Discussion

As an initial matter, the judicial misconduct complaint procedure does not provide for a chief district judge to investigate complaints filed pursuant to 28 U.S.C. § 351(a). See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rules 11(a) ("When a complaint is . . . filed, the chief [circuit] judge must review it unless the chief [circuit] judge is disqualified . . . , in which case the most-senior active circuit judge not disqualified will review the complaint."); and 3(a) (defining "chief judge" throughout the Rules of Judicial-Conduct as "chief judge of a United States court of appeals, of the United States Court of International Trade, or of the United States Court of Federal Claims"). Further, the record, including the misconduct

² "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding [in forma pauperis] if the prisoner has, on [three] or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

complaints and the dockets of the relevant proceedings, do not provide any support for complainant's allegations of judicial wrongdoing or basis for further inquiry.

The First Case

According to the record, complainant pro se filed a civil complaint and a supplement to the complaint against, among others, a number of current and former employees of the department of corrections, alleging violations of his constitutional rights, and a motion to proceed in forma pauperis (IFP). The case was assigned to the first judge who entered an order explaining that the court would rule on the IFP motion after receipt of required records, and, after complainant filed the required documentation, granted the IFP motion and ordered complainant to pay the filing fee in increments when he had available funds, as required by law.

Subsequently, complainant filed letters on the docket requesting copies of the court's order directing complainant to file the required records in connection with the IFP motion, his exhibits, and certain of defendants' filings when docketed, and clerk's office staff mailed complainant copies of the docket sheet, which included the requested order, and of his recent filings.³

Complainant filed a motion for clarification in which he asked a number of questions about his case and made requests, such as, that the court send him copies of "documents that would help [him]" in litigating the matter; a motion for a preliminary injunction and a temporary restraining order requesting, in part, medical care; a motion

³ Throughout the proceeding, in response to several requests from complainant, clerk's office staff provided complainant with copies of documents.

for appointment of counsel; and several motions to supplement his civil complaint. The judge entered an order explaining that complainant's original civil complaint, supplement, and motions to supplement were accepted in the aggregate as the operative complaint and that any further proposed amended complaint must be filed in one document with all claims and allegations included and be accompanied by a motion to amend, as required by the Federal Rules of Civil Procedure; providing answers to a number of complainant's questions included in the motion for clarification and otherwise denying the motion; and denying complainant's motions for appointment of counsel and for injunctive relief, explaining, as to the latter, that complainant had not shown a likelihood of success on the merits.

The office of the state attorney general entered an appearance on behalf of certain defendants. Complainant then filed an emergency motion for a temporary restraining order, requesting, in part, that he receive certain medical treatment, that the attorney general be removed because of attempts to influence the judges of the relevant district, and that his case be transferred. The judge construed the motion as a request for recusal and denied it as complainant failed to present any facts that would demonstrate that the judge's impartiality might reasonably be questioned.

A number of defendants filed a motion to dismiss on grounds, including, but not limited to, failure to provide a basis on which relief can be granted, complainant filed an opposition, and defendants filed a reply. The judge entered a multiple-page order, summarizing complainant's claims, outlining the relevant legal standards, and dismissing

the complaint entirely against certain defendants, and in part, against the remaining defendants.

Defendants filed a motion for judgment on the pleadings, and over the next several months, complainant filed numerous pleadings, including, but not limited to, a motion to amend or correct his civil complaint and emergency motions requesting medical care. The judge scheduled a chambers conference and ordered the parties to be prepared to discuss complainant's medical treatment, and, after holding the conference, denied without prejudice defendants' motion for judgment on the pleadings and granted complainant's motion to amend or correct his civil complaint, and complainant filed an amended complaint.

Complainant filed a motion requesting, in part, that defendants settle the case, which defendants opposed, and the judge ordered the parties to participate in a settlement conference with the judge and a second judge who is not a subject of these misconduct complaints. Following the settlement conference, the parties entered a stipulation of dismissal, and the judge ordered that no further payment of complainant's filing fee was necessary and denied complainant's emergency motions regarding medical care as moot.

Complainant then filed several pleadings in which he stated, in part, that he wished to rescind his agreement to the stipulation of dismissal, as well as an appeal of the stipulation of dismissal. Subsequently, the judge recused from the matter, and it was reassigned to a judge who is not a subject of these misconduct complaints.

Thereafter, complainant filed pleadings asserting, in part, that the court had opened a new, fraudulent case without his permission, explaining that the letters included

in the docket number of his case had changed. Court staff sent complainant a responsive letter explaining that no new case had been opened, that the letters following the case number correspond to the presiding judge, and that the letters were changed after the first judge had recused and the case had been transferred. The appeal of the dismissal stipulation, and accordingly, the district court matter are pending.

The Second Case

According to the record, complainant filed pro se a civil action alleging, in part, that he was not receiving needed medical care while incarcerated. The matter was assigned to the first judge, who subsequently recused, and the case was reassigned first, to the second judge and a few days later, to a judge who is not a subject of these misconduct complaints.

Complainant filed several motions asserting, in part, that the court had opened fraudulent cases as evidenced by the fact that the letters included in the docket number of his case had changed. Court staff sent complainant a letter explaining that no new case had been opened, that the letters following his case number correspond to the presiding judge, and that the letters were changed after the case had been transferred. The matter is pending.

Analysis

The complaints are meritless. There is no evidence in the complaints or the records of the relevant proceedings to support complainant's allegations that, in presiding over complainant's first case, either judge was biased against complainant or favored the state attorney general based on complainant's inmate status, the judges' purported receipt of an

award from the attorney general, or for any other reason, or was otherwise improperly motivated. Likewise, the record does not support complainant's allegations that either judge treated him egregiously or that the first judge ignored his medical conditions or filings or lied while issuing rulings in the first case. In fact, the record indicates that the second judge never presided over or issued any rulings in the first case, and that the first judge held a chambers conference at which the parties discussed complainant's medical care, and entered reasoned orders, some of which were in complainant's favor, such as those allowing complainant to amend his complaint, denying defendants' motion for judgment on the pleadings, denying, in part, defendants' motion to dismiss, and directing the parties to participate in a settlement conference. See supra pp. 4-6.

Complainant also provides no support for his assertion that the judges accepted an award from the state attorney general in exchange for providing preferential treatment or engaged in improper ex parte communication in doing so. Complainant likewise offers no evidence to support his conclusory assertion that the second judge, in an effort to conceal the judge's own wrongdoing, conspired with the state attorney general to prevent the appointment of an inspector general.

Moreover, the fact that the letters included in the docket numbers of complainant's cases were changed to correspond to the appropriate presiding judge in each case in no way evidences that either judge was biased or improperly motivated, nor does it indicate any other misconduct on the part of either judge as the conduct of court staff in exercising their administrative duties is not attributable to a judge. See Lynch, C.C.J., Order, In Re: Complaint No. 01- 15-90002 (June 11, 2015), at p. 7 (also explaining that the judicial

misconduct complaint process does not offer a mechanism for filing a complaint against judiciary staff (citing 28 U.S.C. § 351, et seq., and Rules of Judicial-Conduct)). Similarly, complainant's assertion that the court or court staff refused to provide him with copies of documents does not indicate judicial misconduct. See id. See also supra note 3.

Accordingly, the complaints are dismissed as baseless and not indicative of misconduct. See 28 U.S.C. §§ 352(b)(1)(A)(iii) and (i). See also Rules of Judicial-Conduct, Rules 11(c)(1)(D) and (A), respectively.

Where, as here, there is no evidence of improper judicial motive, complainant's objections to the court's orders, including, but not limited to, those in the first case granting, in part, and denying, in part, defendants' motion to dismiss and denying complainant's emergency requests regarding medical treatment, respectively, and the orders regarding recusal and transfer in both cases, 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).

Finally, as complainant has filed two meritless complaints, he is warned that the filing of another baseless or repetitive judicial misconduct complaint may precipitate issuance of an order to show cause in accordance with Rule 10 of the Rules of Judicial-Conduct. See Rules of Judicial-Conduct, Rule 10(a) ("A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints").

For the reasons stated, Complaints Nos. 01-24-90019 - 01-24-90020 and 01-25-90043 - 01-25-90044 are 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.

October 17, 2025

Date



Chief Judge Barron