

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-24-90023 AND 01-24-90024

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: OCTOBER 17, 2025

Complainants, pro se litigants, have filed a complaint under 28 U.S.C. § 351(a) against three district judges in the First Circuit. Complainants allege judicial misconduct in connection with three of their civil cases. The misconduct complaint is baseless and not cognizable.

Complaint

Complainants allege that the judges are complicit in a conspiracy to violate complainants' civil rights because: (1) family members of one of the subject judges, the chief judge of the relevant district, are employees of an organization that is involved in the conspiracy; and (2) the senators of the relevant state, "who have influence on federal judges," are involved in the conspiracy. Complainants further allege that the judges intentionally denied complainants legal representation in order to obstruct justice and repeatedly concluded, without engaging in any investigation, that the allegations included in complainants' cases were speculative and unsupported. Complainants add that the first and second judges, see infra pp. 3-5, violated Canons 1, 2, and 3 of the Code of Conduct

for U.S. Judges (Code of Conduct) in ignoring and being complicit in the conspiracy, in their actions while presiding over the three cases, and in failing to appoint counsel for complainants.¹

Complainants assert that the second judge should have recused from complainants' third civil case, pursuant to Canon 3(C)(1)(d)(i), because the judge's spouse was purportedly a member of the board of trustees of a non-profit organization that was involved in the conspiracy against complainants.² Complainants add that they moved for the judge's recusal based on the spouse's purported connection to a conspirator, but the judge's order denying the motion for recusal did not reference the judge's spouse.

Further, complainants object to the first judge's order dismissing the first civil case and allege that, this judge misrepresented facts in the order dismissing the second civil case. Complainants also assert that the second judge denied their request for an extension of time in the third civil case, even though the judge was aware that one of complainants was hospitalized at the time of the request. Complainants additionally state that, when they received no response more than a month after filing the third civil case, they sent a letter to the chief judge outlining their concerns about the conspiracy against them, to which they also received no response.

¹ See Code of Conduct for U.S. Judges (Code of Conduct), Canons 1 (providing, in part, that "[a] judge should uphold the 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").

² See Code of Conduct, Canon 3(C)(1)(d)(i) ("A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which . . . the judge or the judge's spouse, or a person related to either within the third degree of relationship, or the spouse of such a person is [] a party to the proceeding, or an officer, director, or trustee of a party.").

Complainants request that the Chief Justice of the Supreme Court of the United States handle this misconduct complaint because of their concerns about the First Circuit's "bad actors."³

Discussion

As an initial matter, while complainants request that the Chief Justice review the misconduct complaint, the governing statute and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct) provide that the chief circuit judge, or if disqualified, "the most senior active circuit judge not disqualified," reviews complaints filed under 28 U.S.C. § 351(a). See 28 U.S.C. § 351(c), and Rules of Judicial-Conduct, Rules 11(a) and 25(f); see generally 28 U.S.C. § 351, et seq., and Rules of Judicial-Conduct. Moreover, the reviewed record, including the misconduct complaint and the dockets of the relevant proceedings, provides no evidence to support complainant's allegations of judicial wrongdoing.

The First Case

According to the record, complainants filed pro se a civil rights action against a number of government entities and officials, as well as motions for appointment of

³ Complainants also include an allegation against another judge in the First Circuit, but, because complainants did not identify this judge as a subject of the complaint, as required by the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), this allegation is not addressed, and complainants were informed that the complaint was accepted against the subject judges only. See Rules of Judicial-Conduct, Rules 1, 3(h), and 6. Complainants also include numerous allegations against various organizations and individuals, state court judges, and state and local government officials, as well as federal court staff. As the governing statute and rules 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). Regardless, there is no support in the record for complainants' allegations against court staff -- primarily, that they are involved in the conspiracy against complainants; further, 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.

counsel, for leave to proceed in forma pauperis (IFP), and for a temporary restraining order and a preliminary injunction, respectively. The first judge entered a multiple-page memorandum and order granting the motion to proceed IFP, denying the motions for appointment of counsel and for injunctive relief, briefly describing complainants' claims, explaining that complainants' civil complaint did not comply with pleading requirements, and setting a deadline by which complainants could file an amended complaint stating a plausible claim upon which relief may be granted. Complainants filed several motions for an extension of time to file an amended complaint, each of which the judge granted. After complainants did not file an amended complaint by the applicable deadline, the judge dismissed the case without prejudice.

The Second Case

According to the record, complainants pro se filed a civil complaint, alleging, among other things, conspiracy to commit fraud, against an individual and the individual's attorney in a state court matter brought by one of complainants, as well motions to proceed IFP and for appointment of counsel, respectively. The first judge entered a multiple-page order, granting the motion to proceed IFP, denying the motion for appointment of counsel, briefly summarizing complainants' allegations, detailing the pleading requirements for a civil complaint, explaining the deficiencies in complainants' pleading, and setting a deadline for complainants to file an amended complaint in proper form.

After the deadline for filing the amended complaint passed and complainants had not done so, the judge dismissed the case without prejudice. Subsequently, complainants

filed a motion requesting several months to file an amended complaint, and the judge provided complainants several weeks to do so. After the extended deadline passed and complainants had not filed an amended complaint, the judge entered an order explaining that the matter remained closed.

The Third Case

The record indicates that one of complainants filed a civil action against a state alleging fraud, as well as motions for appointment of counsel, for leave to proceed IFP, and for leave to file electronically, respectively. Less than two months later, the second judge entered a multiple-page memorandum and order in which the court granted the motion to proceed IFP, briefly described complainant's claims, explained that the civil complaint failed to comply with the relevant pleading requirements and outlined the complaint's deficiencies, provided complainant a deadline by which to file a compliant amended complaint, and denied without prejudice the requests for counsel and to file electronically. Thereafter, the judge denied complainant's second motion for appointment of counsel, and, at complainant's request, provided complainant with two extensions of time to file the amended complaint, stating in the order allowing the second request for an extension that the court did not anticipate further extensions and that failure to file a timely amended complaint was likely to result in dismissal of the case.

On the deadline for filing an amended complaint, complainant filed a motion for the second judge's recusal, asserting in part that the judge had a conflict of interest because there was evidence to support the assertion that the judge's spouse was a member of the board of a non-profit organization against which complainants had claims, a

motion for a further extension of time to file the amended complaint, and a notice in which complainant asserted that the third civil case was related to other civil actions that she has filed. The second judge entered a multiple-page memorandum and order denying the motion for recusal as complainant presented no reasonable basis to question the court's impartiality, denying the motion for an extension of time, and dismissing the case without prejudice as complainant failed to file a timely amended complaint.

Complainant filed a motion to appeal the court's denial of her request for counsel and a motion to file the appeal IFP, both of which the judge denied, explaining that the order denying complainant's motion for counsel was interlocutory, and, as such, would not generally be immediately appealable.

Analysis

The complaint is meritless. There is no support in the complaint or the record for the allegations that any of the judges are involved in a conspiracy against complainant, obstructed justice, misrepresented facts, ignored the substance of complainants' pleadings, were otherwise improperly motivated in presiding over complainants' cases, or violated the Code of Conduct by doing any of the foregoing.⁴ In fact, the dockets of the relevant proceedings demonstrate that the chief judge neither presided over nor issued any orders or rulings in any of the three civil cases underlying this misconduct complaint, and there is nothing in the record to suggest that the chief judge exerted influence over the other subject judges with respect to their handling of complainants' cases or in any

⁴ See infra note 5.

other regard, or that the chief judge ignored a letter from complainants. See supra pp. 3-6. Moreover, the dockets of the three cases show that the first and second judges each issued detailed, reasoned rulings, explained the deficiencies in complainants' civil complaints, and provided complainants with extensions of time to file compliant amended civil complaints. See id.

Further, complainants' assertion that the second judge engaged in misconduct by not recusing from the third case is also of no merit. An allegation that a judge incorrectly failed to recuse is not in and of itself an allegation of cognizable misconduct. See 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, including a failure to recuse. If the decision or ruling is alleged to be the result of an improper motive, e.g., a bribe, ex parte contact, racial or ethnic bias, or improper conduct in rendering a decision or ruling, such as personally derogatory remarks irrelevant to the issues, the complaint is not cognizable to the extent that it calls into question the merits of the decision."). As explained above, the record does not indicate that the second judge harbored any improper motivation in presiding over the third case, and the order denying the request for recusal, in which the second judge explained that complainant provided no basis for recusal under the relevant standard, does not evidence bias or other improper motivation. See supra pp. 5-7.

In any event, the record does not support complainants' assertion that the second judge had a conflict of interest that would have required recusal from the third case; there is no evidence that the judge's spouse was on the board of a non-profit organization that

was involved in a conspiracy against complainants, nor was the organization involved in the case, which was brought against a state. See supra p. 5-6; see also Code of Conduct, Canon 3(C)(1) (providing circumstances in which a judge has a disqualifying conflict of interest); and 28 U.S.C. § 455 (same).⁵ 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).

Where, as here, there is no evidence of improper judicial motive, complainants' objections to the substance and timing of the court's rulings, including, but not limited to, the orders dismissing complainants' cases, finding that complainants' civil complaints were deficient, denying complainant's motion for recusal, and denying complainant's motion for an extension in the third case, 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 supra Rules of Judicial-Conduct, Rule 4(b)(1), and id. Rule 4(b)(2) ("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

⁵ 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 of Judicial-Conduct, Commentary on 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"). Likewise, "a violation of the disqualification statute, 28 U.S.C. § 455, is not automatically a violation of the Judicial Misconduct statute[; however,] conceivably, a sufficiently egregious violation, especially if coupled with evidence of bad faith, might . . . rise to the level of judicial misconduct." See Boudin, C.C.J., Order, In Re: Complaint No. 362 (Dec. 16, 2003) (citation omitted).

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. 01-24-90023 and 01-24-90024 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.

October 17, 2025
Date



Chief Judge Barron