

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-24-90030

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: FEBRUARY 10, 2026

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 his civil case over which the judge presided. The misconduct complaint is baseless and not cognizable.

Complainant alleges that, in presiding over complainant's civil case, the judge had a conflict of interest based on a "close relationship" with defendants' attorneys, as evidenced by the judge's improper dismissal of the case despite complainant's presentation of sufficient factual allegations to state a plausible claim for relief, "the familiarity and expedited nature of the proceedings," and the fact that the "attorneys appear to be well rooted in the court system." Complainant adds that the judge was biased in favor of defendants, failed to review complainant's pleadings and evidence, and did not allow complainant sufficient time to respond to defendants' motion to dismiss. Despite complainant's assertion that the judge had a conflict of interest, he states several times that there is no direct evidence that the judge has a personal or professional relationship

with defendants' attorneys separate from the judge's presiding over cases involving the attorneys. Complainant also asserts that the judge's "age and semi-retired status raise questions about [the judge's] ability to effectively carry out . . . judicial duties."

Complainant requests the reversal of the judge's dismissal of complainant's civil case.

As an initial matter, the judicial misconduct complaint procedure does not provide for relief in a case, including the reversal of an order. 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). Moreover, the record, including the misconduct complaint and the docket of the proceeding, does not provide any support for complainant's allegations of judicial wrongdoing.

According to the record, complainant filed pro se a civil action in state court, which defendants removed to federal district court. After receiving an extension of time to respond to the complaint, defendants filed a motion to dismiss for failure to state a claim and insufficient service of process on certain defendants. Thereafter, the judge scheduled a hearing on the motion to dismiss to be held more than a month later. Subsequently, and nearly a month after defendants filed the motion to dismiss, complainant filed an opposition to the motion. The judge then entered an order dismissing the civil case and explaining that oral argument was unnecessary and that the complaint was conclusory and lacking in any factual support.

Complainant then filed a number of post-judgment motions, including, but not limited to, motions to file an amended complaint, amend the judgment, and alter the judgment, each of which the judge denied. Complainant also filed a motion for the judge's recusal on the same grounds outlined in the present misconduct complaint, which the judge denied.

The misconduct complaint is meritless. There is no evidence in the complaint or the docket of the proceeding to support complainant's conclusory and speculative allegations that, in presiding over complainant's case, the judge had a conflict of interest with respect to defense counsel,¹ was biased against complainant or in favor of defendants, or failed to review complainant's pleadings and evidence, or has a disability that "render[s the judge] unable to discharge the duties of the particular judicial office." See Rules of Judicial-Conduct, Rule 4(c).² Contrary to complainant's allegations, the docket of the proceeding indicates that the judge considered complainant's civil complaint and issued a reasoned order of dismissal. 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 of Judicial-Conduct, Rule 11(c)(1)(D).

¹ A violation of the Code of Conduct for U.S. Judges (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 [of Conduct] should lead to disciplinary action."); and Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), 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.").

² Rule 4(c) of the Rules of Judicial-Conduct provides: "Disability is a temporary or permanent impairment, physical or mental, rendering a judge unable to discharge the duties of the particular judicial office. Examples of disability include substance abuse, the inability to stay awake during court proceedings, or impairment of cognitive abilities that renders the judge unable to function effectively."

In the absence of any evidence of improper judicial motive, complainant's objections to the court's decisions, including, but not limited to, the order dismissing his civil 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 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 . . . 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. 01-24-90030 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.

February 10, 2026

Date



Chief Judge Barron