

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-24-90031

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: JANUARY 30, 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 that the judge engaged in misconduct in presiding over complainant's civil case. The misconduct complaint is baseless and not cognizable.

Complainant alleges that the judge's actions while presiding over complainant's civil case obstructed his constitutional rights and ability to protect his property and suggest that the judge was biased. Specifically, he asserts that, by repeatedly denying his requests for a jury trial, the judge deprived him of a fair trial and the opportunity to challenge potential judicial misconduct. Complainant adds that, in issuing a "procedural dismissal" of his civil case, without addressing the demand for a jury trial included in his civil complaint, and an order that "stated that [complainant's] only option [was] to file an appeal," the judge denied complainant his right to a jury trial and raised concerns about the impartiality and integrity of the proceedings.

Complainant further asserts that the judge's denial of his motions to certify the judgment purportedly entered in a civil case that he filed in a federal district court in another circuit "obstruct[ed his] . . . access to judicial relief" and right to due process and may have violated federal law. Complainant adds that, because the authority to certify the judgment belongs to specified court staff, the judge did not have authority to deny complainant's motion to certify the judgment, and that in doing so, the judge erroneously stated that the court did not have jurisdiction over the matter.

Complainant also asserts that the attorney who should have represented the named defendant in his case, a government, instead represented specific government officials, and that the judge "allowed this misrepresentation to continue" and failed to address complainant's requests for clarification of the matter.

Complainant further alleges that the judge failed to review in good faith complainant's submissions, which suggests "judicial contempt or disregard." As an example, complainant provides that, although he asserted in his motions for certification of judgment that specified court staff had the sole authority to certify the judgment, the judge ignored this argument and issued an order stating that the court did not have jurisdiction to consider the motion because the case had been dismissed.

Complainant requests that the Judicial Council investigate the allegations in his misconduct complaint, make several determinations as to whether the judge's actions in presiding over the case violated federal law, ensure complainant's right to a jury trial is protected, clarify that defense counsel should represent the named defendant in complainant's civil case, and provide recommendations for corrective action.

As an initial matter, much of complainant's requested relief is not available, where, as here, the allegations in the misconduct complaint lack support and are not cognizable. Specifically, as explained below, the complaint does not warrant Judicial Council action, as complainant requests, because there is not a basis for referral to "a special committee to investigate the complaint . . . and to make recommendations to the [J]udicial [C]ouncil." See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(f) (requiring the appointment of a special committee if the chief circuit judge does not dismiss or conclude the complaint). Further, to the extent complainant requests relief in his case (i.e., a jury trial or a ruling regarding defense counsel's representation), the judicial misconduct complaint procedure does not provide for such remedy. See 28 U.S.C. § 351, et seq., and Rules of Judicial-Conduct, Rules 11, 19(b), and 20(b). Moreover, the reviewed record, including the misconduct complaint and the docket of complainant's proceeding, provides no evidence to support complainant's allegations that the judge engaged in judicial misconduct.

According to the record, complainant filed pro se a civil action against a government and others in which he alleged, in part, civil rights violations in connection with a civil case that he filed in a federal district court in another circuit (the other civil case) and requested a jury trial. Subsequently, complainant filed amended complaints in which he named only the government as a defendant and demanded a jury trial. Complainant sought preliminary injunctive relief including, but not limited to, that there be resolution of his motions for a judgment filed in the other civil case and that court staff of the relevant First Circuit district court close the other civil case. The judge entered an

electronic order denying the request for a preliminary injunction in which the court, in part, outlined the relevant legal standard and explained that complainant provided no legal basis for the court to compel resolution of the motions filed in another federal district court.

Complainant then filed several motions requesting that the other civil case be transferred to the First Circuit district court and consolidated with his case in the First Circuit, that specified staff of the First Circuit district court be allowed to certify and docket his motions for a judgment filed in the other civil case, and that there be a jury trial. The judge entered an electronic order, in part, denying the motions, and explaining that the court had no authority to transfer the other civil case and that, as the other civil case was closed, complainant's recourse regarding rulings in that case was an appeal in the relevant circuit.

An attorney entered an appearance on behalf of defendant, and, subsequently, defendant filed a motion to dismiss the action on grounds including, but not limited to, failure to state a claim upon which relief may be granted, and complainant filed several oppositions in which he, in part, requested a jury trial. The judge issued an electronic order, in part, summarizing the claims in complainant's civil complaint; explaining that complainant's claims were based on disagreements with legal rulings in the other civil case and that the proper avenue for challenging rulings in that case was an appeal in the relevant circuit; and granting defendant's motion to dismiss, as the civil complaint failed to state a claim for relief; and dismissed the case without prejudice.

Complainant then filed motions requesting, among other relief, reconsideration of the order dismissing his case; a jury trial; defense counsel's recusal on the ground that the attorney was representing specific government officials, as opposed to the named defendant; and an evidentiary hearing regarding defense counsel's representation. The judge entered an electronic order denying the motions in which the court, in part, explained that the arguments regarding reconsideration did not meet the relevant legal standard, that the request for defense counsel's recusal was meritless, and that, because the case was closed, the motion for an evidentiary hearing was moot.

Thereafter, complainant filed a motion to alter the judgment and a motion requesting, in part, that defendant certify in the First Circuit district court a judgment purportedly entered in the other civil case. The judge denied both motions, noting that the case was closed and that complainant's mechanism for redress was an appeal.

Complainant then filed a motion in which he asserted that specified court staff had the sole authority to certify the judgment and requested that staff of the First Circuit district court do so with respect to the judgment entered in the other civil case, and the judge denied the motion as the case was closed and the court did not have jurisdiction to grant the relief. Complainant filed a motion for reconsideration of this order, asserting that court staff had the sole authority to certify the judgment, which the judge denied, stating that complainant's avenue for redress was appeal. Complainant subsequently filed a motion, in part, again requesting certification of the judgment, which the judge denied, as the case had been dismissed and, accordingly, the court lacked jurisdiction over the motion.

The complaint is meritless. There is no evidence in the complaint or the docket of the proceeding to support complainant's allegations that, in presiding over complainant's case, the judge obstructed or denied complainant's constitutional or other rights, was biased against complainant or partial, acted without authority, ignored the substance of complainant's pleadings, or was otherwise improperly motivated. The record indicates that the judge considered complainant's pleadings and issued numerous reasoned orders in which the court often explained to complainant the proper avenues for redress. See supra pp. 3-5. 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).

Where, as here, there is no evidence of improper judicial motive, complainant's objections to the judge's rulings including, but not limited to, those regarding complainant's requests for a jury trial, certification of a judgment, and recusal of defense counsel, and defendant's motion to dismiss, as well as the judge's post-judgment orders, are not cognizable. 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 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. 01-24-90031 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.

January 30, 2026
Date



Chief Judge Barron