JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-24-90032 and 01-24-90033

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: March 23, 2026

Complainant, a pro se litigant, has filed a complaint under 28 U.S.C. § 351(a) against a district judge and a magistrate judge in the First Circuit. Complainant alleges that the judges engaged in judicial misconduct in presiding over his civil case. The misconduct complaint is baseless and not cognizable.

Complainant alleges that, in presiding over his case, the judges "'refus[ed] to perform the duties of office' and 'engag[ed] in conduct prejudicial to the effective and expeditious administration of the business of the courts'" in violation of Rule 4(a)(1)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct).[1] Complainant adds that the judges engaged in undue delay in ruling on a number of emergency motions he filed in his case, which has "raise[d] significant concerns regarding access to justice and adherence to procedural timelines established by

[1] Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 4(a)(1)(A) provides: "Cognizable [m]isconduct is conduct prejudicial to the effective and expeditious administration of the business of the courts. Cognizable misconduct includes, but is not limited to, . . . using the judge's office to obtain special treatment for friends or relatives."

law" and has caused financial hardship and emotional distress for complainant. Specifically, complainant alleges that both judges delayed in ruling on his emergency motion to stay a state court order, and, while this motion was pending, ruled on defendants' motion for leave to file excess pages, which was filed after complainant's motion.

Complainant further asserts that the district judge delayed in ruling on complainant's motion to expedite his emergency motion to stay the state court order and for a hearing on the motion and that the judge avoided the judge's constitutional duty by refusing to rule on others of complainant's motions, such as his motions for relief from judgment and asserting that defendants' service in the state court matter was deficient, respectively. Complainant adds that the district judge discriminated against complainant by allowing defendants not to file oppositions to complainant's pleadings, while requiring complainant to comply with local rules when filing motions.

As to the magistrate judge, complainant alleges that, while presiding over his case, the judge violated Rule 3(h)(1)(B) of the Rules of Judicial-Conduct by "fail[ing] to comply with obligations under the Code of Conduct [for U.S. Judges (Code of Conduct)]."[2] Complainant adds that the magistrate judge violated the following Canons

[2] While complainant cites to Rule 3(h)(1)(B) for the proposition that cognizable misconduct includes "'failure to comply with obligations under the Code of Conduct [for U.S. Judges (Code of Conduct)],'" there is no Rule 3(h)(1)(B) in the Rules of Judicial-Conduct. Prior to the most recent amendments to the Rules of Judicial-Conduct, in 2019, Rule 3(h)(1)(B) provided: "Cognizable misconduct [ ] is conduct prejudicial to the effective and expeditious administration of the business of the courts. Misconduct includes, but is not limited to[,] . . . accepting bribes, gifts, or other personal favors related to the judicial office[.]"

of the Code of Conduct regarding "integrity, impartiality, dignity and courtesy, fair hearing, and prompt disposition:" Canons 1, 2, 3(A)(3), 3(A)(4), and 3(A)(5).[3]

Specifically, complainant asserts that the magistrate judge exceeded the statutory authority of a magistrate judge by ruling on complainant's dispositive motion for relief from judgment, without complainant's consent, and by issuing orders, as opposed to reports and recommendations. He adds that the magistrate judge denied complainant his constitutional right of access to the court and punished complainant by imposing a filing restriction on him while a jurisdictional issue was pending in the case. Complainant also alleges that the magistrate judge stated that certain of complainant's filings were "'repetitive,'" which created an appearance of bias and prejudgment, and ignored complainant's evidence in these filings.

Complainant further objects to the magistrate judge's report and recommendation in which the judge recommended dismissal of complainant's case and struck complainant's amended complaint and state court records from the docket. Complainant states that, by recommending dismissal of his case, the magistrate judge "reached a merits issue" while complainant's jurisdictional challenges were pending in violation of applicable caselaw. Further, complainant asserts that, by striking complainant's amended complaint, the magistrate judge contradicted the court's prior ruling authorizing

[3] See 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"); 3(A)(3) ("A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity."); 3(A)(4) (providing, in part, that "[a] judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law"); and 3(A)(5) ("A judge should dispose promptly of the business of the court.").

complainant to file an amended complaint, as well as the court's acknowledgement at a hearing on an order to show cause that the amended complaint was timely, and shielded defendants of the duty to respond, which suggests bias or retaliation against complainant as a pro se litigant.

Complainant also alleges that, at the hearing, the magistrate judge referred to complainant as "'child-like,'" which "was unnecessary, demeaning, and inconsistent with the standards of dignity and courtesy required by . . . the Code of Conduct," and is evidence of the judge's bias against complainant and that the judge's subsequent adverse rulings were punitive.[4]

Complainant requests that the subject judges provide an explanation for the delays in complainant's case, that a timeline for the case be established, that "appropriate measures be implemented to ensure that future motions for expedited hearings are addressed promptly," and that rulings be issued on his outstanding motions. Complainant further requests that the judicial council and the chief circuit judge determine whether the magistrate judge acted without statutory authority and prescribe corrective action, including reassigning the case to another judge or limiting the magistrate judge's involvement in the case.

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.

[4] Complainant alleges that court staff failed to respond adequately and timely to complainant's motions. These allegations are not addressed as the 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). Regardless, the docket of the district court proceeding does not provide any support for complainant's allegations.

See 28 U.S.C. § 351, et seq., and Rules of Judicial-Conduct, Rules 11, 19(b), and 20(b). Further, to the extent complainant requests relief or the issuance of orders in his case, the judicial misconduct complaint procedure does not provide for such remedy. See id.

Moreover, the reviewed record, including the misconduct complaint, the docket of the proceeding, and the transcript of the relevant hearing, provides no evidence to support complainant's allegations of judicial wrongdoing. According to the record, complainant filed pro se a civil rights action alleging wrongdoing in connection with a state court matter, and a motion for a preliminary injunction requesting a stay of a state court order. The case was referred to the magistrate judge for pretrial non-dispositive matters and reports and recommendations, and complainant filed a notice of non-consent to the proceeding being adjudicated in its entirety before a magistrate judge. Defendants filed a motion for an extension of time to respond to the civil complaint and motion for a preliminary injunction, which the magistrate judge granted, over complainant's objection. Before defendants' response to the motion for a preliminary injunction was due, complainant filed an emergency motion again requesting a stay of the state court order, which the magistrate judge denied, a few days later, without prejudice to refiling in compliance with local rules. Complainant refiled the motion, defendants filed an opposition, and complainant filed a reply.

Thereafter, defendants filed an assented to motion for leave to file excess pages, which the district judge granted. Prior to the deadline for defendants to respond to the motion for a preliminary injunction, complainant filed a pleading requesting a ruling on his emergency motion for a stay, and the district judge referred the motion for a

preliminary injunction and the emergency motion for a stay to the magistrate judge for a report and recommendation. Defendants filed a timely objection to the motion for a preliminary injunction, and complainant filed a motion to hold a hearing and to expedite a decision on his emergency motion.

Less than a month after briefing concluded on the motion for a preliminary injunction, the magistrate judge issued a report and recommendation that was more than a dozen pages long, in which the judge outlined the background of complainant's civil complaint and request for a stay included in both the motion for a preliminary injunction and the emergency motion and the relevant legal standards for preliminary injunctive relief, detailed why complainant failed to demonstrate a likelihood of success on the merits of any of his claims, and, therefore, recommended that both motions be denied. Complainant filed an objection to the report and recommendation, and, less than a month after objections were due, the district judge adopted the report and recommendation and denied complainant's request for a hearing and to expedite a decision on the emergency motion as moot.

Complainant filed several motions asserting that the service that defendants made on him in state court was deficient and fraudulent, a motion for relief from judgment, in which he requested, in part, that the court's order denying preliminary injunctive relief be vacated, and pleadings requesting an expedited ruling on the motion for relief from judgment. Defendants filed a motion to dismiss, complainant filed a motion requesting that the court rule on his motion for relief from judgment before or with the motion to dismiss, and the district judge referred the pending motions to the magistrate judge. Over

the next several days, complainant filed a number of pleadings explaining, in part, that he did not consent to the magistrate judge's disposition of any motions and requesting, in part, that the court issue a ruling on complainant's motion for relief from judgment, and the district judge referred the case to the magistrate judge for all pretrial matters and dispositive motions. Thereafter, complainant filed an opposition to the motion to dismiss and several other pleadings, in part, reiterating that he did not consent to a magistrate judge's adjudicating any motions and requesting that the court decide his motion for relief from judgment.

The magistrate judge issued a report and recommendation recommending that the court deny complainant's motion for relief from judgment, as complainant's arguments failed to meet the relevant legal standard, and that complainant's motions to expedite a ruling on the motion for relief judgment be denied as moot. The magistrate judge also ordered that complainant make no further filings, with the exception of a single document objecting to the instant report and recommendation and a motion to file an amended complaint in compliance with applicable rules, until the court issued a report and recommendation on the motion to dismiss, as complainant had filed numerous, repetitive pleadings over the previous few months. Complainant filed an objection to the report and recommendation and an amended complaint, attaching various state court records. Complainant also filed an emergency motion, in part, requesting that the district judge hold a hearing and issue a ruling on complainant's motion for relief from judgment and challenging the magistrate judge's authority to impose a filing restriction on complainant, and, in response, the magistrate judge entered an order to show cause why complainant

should not be sanctioned for violating the court's order restricting him from further filings.

The magistrate judge held a hearing on the show cause order, at which the judge explained to complainant that the court received and understood his multiple, redundant pleadings, noting that, while the court hoped complainant would not be offended by the following statement, the judge thought that complainant was acting immaturely and was insisting on an immediate answer to his requests for relief, and invited complainant to be heard on the show cause order. After hearing from both parties, the magistrate judge determined that complainant had violated the show cause order and imposed a non-monetary sanction.

Less than a week later, the magistrate judge entered a report and recommendation that was more than two dozen pages long recommending that defendants' motion to dismiss be granted. In the report and recommendation, the magistrate judge, in part, outlined the factual and procedural background of the case and the relevant legal standards, analyzed why each of complainant's claims failed on grounds including, but not limited to, lack of jurisdiction, and struck complainant's amended complaint because, among other reasons, complainant failed to submit the motion required for requesting to file an amended complaint. Thereafter, complainant filed an objection to the report and recommendation. The matter is pending.

The complaint is meritless. There is no support in the complaint or the record of the proceeding for complainant's allegations that either judge denied him access to justice or refused to perform judicial duties while presiding over his case. Nor is there support

for complainant's allegations that the district judge discriminated against complainant, or that the magistrate judge was biased against complainant because he is a pro se litigant or for any other reason, retaliated against or punished him, violated the Code of Conduct,[5] ignored complainant's evidence, or was otherwise improperly motivated in presiding over complainant's case. As to the district judge, the record indicates that the judge referred multiple matters to the magistrate judge, entered an order adopting the magistrate judge's detailed report and recommendation regarding preliminary injunctive relief, and issued rulings on other pleadings. See supra pp. 4-7. As to the magistrate judge, the record shows that the judge considered complainant's pleadings, issued multiple reasoned reports and recommendations, and provided complainant an opportunity to be heard on the show cause order before imposing a sanction. See id. pp. 4-8.

Further, neither the magistrate judge's characterization of complainant's pleadings as repetitive nor the magistrate judge's remark at the show cause hearing regarding the court's impression of complainant's conduct during the case, see supra p. 8, evidences bias or suggests "'the sort of deep-seated unequivocal antagonism' that may constitute misconduct." See Lynch, C.C.J., Order, In Re Judicial Misconduct Complaint No. 01-12-90015 (July 11, 2012), at p. 6 (quoting In Re: Complaint of Jane Doe, 640 F.3d 861, 863 (Judicial Council of the Eighth Circuit, Feb. 24, 2011)). See also Rules of Judicial-

[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 [of Conduct] should lead to disciplinary action."); and 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 . . . .").

Conduct, Rule 4(a)(2)(B) ("Cognizable misconduct . . . includes . . . treating litigants . . . in a demonstrably egregious and hostile manner . . . ."). 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 judges' orders and/or reports and recommendations, including, but not limited to, those regarding complainant's requests for injunctive relief, hearings, relief from judgment, and expedited rulings; defendants' motions to dismiss and for leave to file excess pages; restricting complainant's filings; sanctioning complainant; striking complainant's amended complaint and attachments thereto; and referring various matters to the magistrate judge, 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."). The same is true for complainant's allegations of delay. See 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."). 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. 01-24-90032 and 01-24-90033 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.

March 23, 2026
Date

Chief Judge Barron