

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-24-90034 – 01-24-90035

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 connection with his civil case over which the judges presided. As the misconduct complaint is baseless, frivolous, not indicative of misconduct, and not cognizable, it is dismissed, in part, and, as it concerns the conduct of a magistrate judge who has retired from judicial office, it is concluded, in part.

Complainant alleges generally that the district judge and magistrate judge are corrupt and incompetent, have impaired judgment due to "high levels of insanity," and are involved in a vast conspiracy involving the state and federal judicial system where complainant is located to deny him, and other unnamed pro se litigants, their civil rights, access to the courts, and ability to be heard. Complainant further implies that the judges are biased against complainant based on his race.

Complainant asserts that the judges committed a criminal act by ignoring and/or dismissing complainant's civil rights case through which he was attempting to expose a criminal network in the relevant judicial system, as he provided ample evidence to support his claims, and that they did so without completing any investigations and without a legal basis. Complainant argues that the subject judges have not provided him any leniency or assistance as a pro se litigant, as required by court policy, and "do not want [him] to be given a fair trial." Complainant further objects to the court's order indicating that the case could be dismissed because complainant failed to include a signature on one of his pleadings and notes that, had the court granted his request for appointment of counsel, such issues could have been avoided.

Further, complainant reasons that, because court staff is ignoring him, the judges must have ordered them to do so. Complainant concludes that the judges have "basically stopped the entire [judicial] process from working . . . for certain people."¹

The record, including the misconduct complaint and docket of the proceeding, provides no basis for complainant's allegations of judicial misconduct. According to the record, complainant filed pro se a civil rights action and motions for leave to proceed in forma pauperis (IFP) and to appoint counsel. A few months later, the magistrate judge

¹ The complaint also includes allegations against unnamed federal judges, court staff, and other individuals. 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 and require that the subject judges be identified by name in the complaint, these allegations are not addressed. See 28 U.S.C. § 351, and Rules of Judicial-Conduct, Rules 1, 3(h), and 6. Regardless, complainant's allegations against court staff, which include, but are not limited to, that they "refuse[d] to work with [him] in any way," have denied him access to his case files, and were involved in the disappearance of his mail, are not supported by the district court docket.

entered a multiple-page memorandum and order summarizing complainant's filings and the applicable legal standards, denying the application to proceed IFP without prejudice to refiling a renewed application that was signed under penalty of perjury and included all required information, and denying the motion for appointment of counsel without prejudice. In the memorandum and order, the magistrate judge also noted that the court liberally construed the pro se complaint, explained that the civil rights complaint failed to provide a basis for the court's jurisdiction or state a plausible claim upon which relief may be granted, and ordered that complainant file an amended complaint in accordance with the federal rules that cured these deficiencies if he wished to proceed with the case. Complainant timely filed an amended complaint.

Within the next two months, the magistrate judge entered an order and report and recommendation that explained that, because complainant failed to file a renewed IFP application by the applicable deadline, as ordered, the court was directing that the proceeding be assigned to a district judge and recommending that the case be dismissed without prejudice for failure to comply with the court's prior order. After being randomly assigned to the case, the district judge entered a multiple-page order adopting the report and recommendation in which the court described the procedural history, noted that the matter was reviewed de novo, explained that complainant not only failed to file a renewed IFP application but also to cure the deficiencies identified by the magistrate judge with respect to the civil complaint, and dismissed the action without prejudice.

First, to the extent the complaint is against the magistrate judge, "action on the complaint is no longer necessary because of intervening events," as the magistrate judge

has retired from judicial service. See 28 U.S.C. § 352(b)(2). Therefore, the misconduct complaint is concluded, in part, pursuant to 28 U.S.C. § 352(b)(2). See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(e) ("The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot or make remedial action impossible as to the subject judge."). See also In re: Complaints under the Judicial Conduct and Disability Act, Committee on Judicial Conduct and Disability of the Judicial Conference of the United States, No. 19-02, pp. 8-10 (March 3, 2020) (holding that a judge's retirement from judicial office requires conclusion of a judicial misconduct complaint proceeding).

In any event, the misconduct complaint is without merit. There is no information in the record of the proceeding or the complaint suggesting that, in presiding over complainant's case, the subject judges were corrupt, biased against complainant because of his race or for any other reason, or involved in a conspiracy to deny complainant or other pro se litigants of constitutional rights or to deprive complainant of a fair trial, committed a criminal act, or were otherwise improperly motivated. Instead, the record demonstrates that both judges considered complainant's pleadings and explained the bases for their rulings and/or recommendations. See supra pp. 2-3.

Moreover, complainant's conclusory allegation that the judges have "high levels of insanity" that would impair their judgment is presented with no basis in fact. See Rules of Judicial-Conduct, Rule 4(c) ("Disability is a temporary or permanent impairment,

physical or mental, rendering a judge unable to discharge the duties of the particular judicial office.").

Nor is there any support for complainant's speculative allegation that the judges directed court staff to ignore him. Further, any error by court staff in exercising their administrative duties would not be attributable to the judges. See Lynch, C.C.J., Order, In Re: Complaint No. 01-15-90002 (June 11, 2015), at p. 7. Accordingly, the complaint is dismissed as baseless, frivolous, and not indicative of misconduct, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i) & (iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(A), (C), & (D).

As there is no evidence of improper judicial motive, complainant's objections to the substance or timing of the court's decisions, including, but not limited to, the order denying his application to proceed IFP and motion for appointment of counsel, the report and recommendation to dismiss the action, and the order dismissing the 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 . . . 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. . . . 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 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. 01-24-90034 – 01-24-90035 is dismissed, in part, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i-iii), and concluded, in part, pursuant to 28 U.S.C. § 352(b)(2). See also Rules of Judicial-Conduct, Rules 11(c)(1)(A-D) & (e), respectively.

March 23, 2026
Date



Chief Judge Barron