

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-25-90001 – 01-25-90002

BEFORE
Gelpí, Circuit Judge

ORDER

ENTERED: APRIL 17, 2026

Complainant, a pro se litigant, has filed a complaint under 28 U.S.C. § 351(a) against two district judges in the First Circuit.¹ Complainant alleges that the judges engaged in judicial misconduct in connection with two of her civil cases.² The misconduct complaint is baseless and not cognizable.³

Complainant asserts that the judges refused to recuse from complainant's second case, see supra note 2, despite the judges' purported financial interests in certain defendants that complainant alleges are evidenced by the judges' financial disclosure

¹ In the brief statement of facts in support of the complaint, complainant seems to include allegations against a number of other judges in the First Circuit, although complainant lists only the two subject judges on the complaint form. As the governing statute and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct) require that the subject judge(s) be identified by name, these allegations are not addressed, and complainant was notified that the complaint was accepted against the two subject judges only. See 28 U.S.C. § 351, and Rules of Judicial-Conduct, Rules 1, 3(h), and 6.

² The first subject judge (Judge No. 1) presided over complainant's second case, until it was reassigned to the second subject judge (Judge No. 2), who also presided over complainant's first case. See infra pp. 4-7. In the brief statement of facts, complainant makes one reference to a third case number; however, based on complainant's description of the case in the brief statement of facts, this reference appears to be a scrivener's error and that complainant intended to refer to the second case.

³ This is complainant's second misconduct complaint. In complainant's first misconduct complaint, she alleged that Judge No. 2 engaged in misconduct while presiding over the first case. See Judicial Misconduct Complaint No. 01-22-90033; and supra note 2. The misconduct complaint was dismissed, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii) and (iii). See Kayatta, C.J., Order, In Re: Judicial Misconduct Complaint No. 01-22-90033 (July 31, 2023). Complainant did not file a petition for review.

reports, and egregiously abused the "process of law" in order to protect these financial interests and defendants. Complainant explains that, while the first subject judge (Judge No. 1) should have recused sua sponte from the second case when it was first assigned, the judge improperly took no action on the case for months and then reassigned it to the second subject judge (Judge No. 2). Complainant further argues that, although she moved for Judge No. 2's recusal from the second case based on the judge's financial disclosure reports, which complainant purports she provided to the judge, Judge No. 2 refused to recuse from the case and to provide complainant the financial disclosure reports upon request to ensure that the case would be dismissed, thus protecting the judge and defendants.

Complainant further asserts that the judges made decisions "calculated with malice and extreme oppression," were part of a conspiracy to deprive her of her civil rights, and "committed . . . acts of domestic terrorism," treason, and other crimes. Complainant also alleges that Judge No. 2 erroneously denied all of complainant's motions in the second case without reasoning and objects to the judge's determination that the court did not have jurisdiction over the matter and order directing complainant to file an amended complaint. Complainant further states that she has "noticed a pattern of [Judge No. 2's] ignorance and prejudicial behavior towards [p]ro[s]e [l]itigants" and specifically notes that Judge No. 2 denied another pro se litigant's request for appointment of counsel in order to disadvantage him.⁴

⁴ Complainant references a civil case of another pro se litigant; Judge No. 2 neither presided over nor issued any orders in the case.

With respect to complainant's first case, see supra note 2, complainant objects to Judge No. 2's erroneous dismissal of the case on the ground that complainant had failed to file an amended complaint and asserts that the judge dismissed the case as part of the conspiracy against complainant.

Complainant requests that the judges be disqualified from presiding over the second case, that all of Judge No. 2's orders entered in the second case be reversed, and that the present misconduct complaint be provided to "the appropriate departments of justice, federal offices, and agencies" for investigation. Further, complainant seems to request that she be provided with the financial disclosure reports of all of the judges in the relevant district before her case proceeds.⁵

As an initial matter, much of complainant's requested relief is not available, where, as here, the allegations in the complaint are unsupported and not cognizable. 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). Further, the judicial misconduct complaint procedure does not provide an avenue for obtaining relief in a case, including the reversal of orders or the disqualification of judges. See id.

Moreover, the reviewed record, including the misconduct complaint and attachments and the dockets of the relevant proceedings, provides no support for complainant's allegations of judicial misconduct or basis for further inquiry. According to

⁵ Complainant also alleges that court staff are engaged in a conspiracy against her, but, as the Rules of Judicial-Conduct 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, the dockets of the underlying matters do not support complainant's conclusory allegations against court staff. See infra pp. 4-7.

the record, complainant initiated the first case and filed motions for leave to proceed in forma pauperis (IFP) and for appointment of counsel. The following month, in a multiple-page memorandum and order, Judge No. 2 allowed complainant's motion for leave to proceed IFP, denied the motion for counsel, explained that it did not appear, based on the civil complaint, that the court had jurisdiction over the matter, and set a deadline for complainant to file an amended complaint demonstrating the court's jurisdiction or the action would be dismissed.

Thereafter, complainant filed a motion for Judge No. 2's recusal, asserting, in part, that the judge was biased against complainant as evidenced by the rulings in the case and that the judge had assumed relationships, including, but not limited to, financial relationships, with one or more defendants. In a memorandum and order that was more than ten pages long, Judge No. 2 summarized complainant's arguments for the judge's recusal, outlined the applicable legal standards, acknowledged that the court reviews pro se pleadings with leniency, denied the motion for recusal as complainant had not demonstrated that the judge was biased or prejudiced, explained that complainant had failed to file timely an amended complaint, and provided complainant a final opportunity to do so. Complainant filed a motion for leave to file the amended complaint ex parte, which Judge No. 2 denied, as complainant failed to provide a compelling reason for the request.

After filing a notice of appeal of the court's denial of complainant's motions for recusal and to file the amended complaint ex parte, among other rulings, complainant filed a motion to stay the first case pending disposition of the appeal, which Judge No. 2

granted. Following the Court of Appeals' dismissal of the appeal for lack of jurisdiction, Judge No. 2 entered an order lifting the administrative stay and explaining that, if complainant wanted the matter to proceed, she must file an amended complaint by a specified deadline.

In the meantime, while the first case was stayed, complainant attempted to file an amended complaint against some of the defendants that were named in the first case, in addition to many others, and the court opened a new civil case (the second case), as the stay had not been lifted. In the second case, complainant also filed motions for leave to proceed IFP and for appointment of counsel, respectively, among other pleadings. Judge No. 1 was assigned to the matter, and, the following month, complainant filed a motion requesting that an order issue on her IFP motion. A few weeks later, complainant filed, in both the first and second cases, motions to consolidate the cases. Judge No. 1 entered an order in the second case explaining that the two cases were related and directed that the second case be reassigned to Judge No. 2, and the second case was assigned to Judge No. 2. In the first case, Judge No. 2, in a several-page order, described the relevant background of the case, explained that complainant had failed to file a timely amended complaint after the stay had been lifted as ordered by the court, denied the motion to consolidate, and dismissed the action without prejudice.

In the second case, complainant then filed a motion requesting that Judge No. 2 comply with financial disclosure requirements, asserting, in part, that the judge had an association with at least one defendant. Complainant also filed a motion for Judge No. 2's recusal, asserting, in part, that the judge had assumed relationships, including, but not

limited to, financial relationships, with one or more defendants. The following month, Judge No. 2 entered a multiple-page memorandum and order, in which the court summarized complainant's filings and the applicable legal standards, denied the motion for recusal, finding that an objective, knowledgeable person would not conclude that there was a reasonable basis for doubting the judge's impartiality, allowed complainant's IFP motion, and denied complainant's motions for counsel and compliance with financial disclosure requirements. In the order, the judge also noted that the court liberally construed the pro se civil complaint, identified a number of deficiencies with the civil complaint, including, but not limited to, that it appeared that the court lacked subject matter jurisdiction over the proceeding, and granted complainant leave to file, by a specified deadline, an amended complaint that complied with the applicable federal rules and demonstrated the court's jurisdiction or the matter would be dismissed.

Subsequently, in the second case, complainant filed another motion for Judge No. 2's recusal, in which she asserted that the judge had financial interests in various defendants, as evidenced by the judge's financial disclosure reports; a motion for relief from judgment, in which she requested that all orders entered in the case be vacated, as both subject judges had unspecified financial interests in defendants; and a motion for entry of a default judgment. Judge No. 2 denied the motion for recusal for the reasons stated in the court's previous order regarding recusal, as well as the motions for relief from judgment and default, as a final judgment had not been entered and summonses had not been issued, respectively. Further, Judge No. 2 reminded complainant that, in order

for the matter to proceed, she needed to file an amended complaint in compliance with the federal rules by the established deadline.⁶

Complainant's assertion that the judges engaged in misconduct by failing to recuse is of no merit. In the absence of an improper motive, a judge's error regarding recusal is not 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 below, the record does not indicate that either judge harbored any improper motivation in presiding over complainant's cases, see infra p. 8, and Judge No. 2's orders denying the request for recusal in both cases, in which the judge explained that complainant provided no basis for recusal under the relevant standard, do not evidence bias or other improper motivation, see supra pp. 4-7. In any event, though not necessary for the dismissal of the complaint, complainant does not provide any evidence to support her assertion that the judges should have recused. Despite her claim that the judges' financial disclosure reports indicate that the judges had financial interests requiring their recusal from her cases, complainant did

⁶ Before the deadline to file an amended complaint and after filing this misconduct complaint, complainant filed a notice of appeal directed toward this order and a motion to stay the proceedings pending disposition of the appeal. Judge No. 2 granted complainant's motion and entered an administrative stay directing that any party may restore the case upon termination of the appellate proceedings. The Court of Appeals dismissed the appeal. No parties have filed any documents in the second case since the dismissal of the appeal.

not provide the financial disclosure reports or identifying details regarding them in this judicial misconduct complaint or in any motions that she filed in either case.

Further, there is no support in the complaint or the dockets of the proceedings for complainant's allegations that either of the judges was motivated to protect defendants or the judge's financial interests, was part of a conspiracy against complainant, committed acts of terrorism or any other crime, treated complainant in an oppressive or malicious manner, or was otherwise improperly motivated in presiding over complainant's cases. Contrary to complainant's allegations, the record indicates that, after complainant requested that the cases be consolidated, Judge No. 1 issued an order reassigning the second case to Judge No. 2, and that Judge No. 2, in both cases, considered complainant's pleadings, noted that they were reviewed with leniency in light of her pro se status, issued reasoned, multiple-page orders, some of which identified deficiencies with the civil complaints, and permitted complainant to amend the complaints. See supra pp. 4-7. Further, complainant's allegation that Judge No. 2 has demonstrated a pattern of prejudicial behavior against pro se litigants is unsupported and provides no basis for further inquiry. There is no evidence in the record that Judge No. 2 was prejudiced against complainant, due to her pro se status or for any other reason, nor does complainant's reference to another pro se litigant's case, in which Judge No. 2 had no involvement, indicate that the judge is prejudiced against pro se litigants generally. See supra pp. 4-7 and note 4.

In the absence of any evidence of an improper judicial motive, complainant's objections to the substance and timing of the courts' decisions, including, but not limited

to, not sua sponte recusing, denying complainant's motions for recusal, appointment of counsel, and compliance with financial disclosure requirements, reassigning the second case, directing complainant to file amended complaints, and dismissing the first 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 Rules of Judicial-Conduct, Rule 4(b)(1), supra, and 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 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 baseless and not cognizable, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(iii) and (ii), respectively. See also Rules of Judicial-Conduct, Rules 11(c)(1)(D) and (B), respectively.

For the reasons stated, Complaint Nos. 01-25-90001 – 01-25-90002 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.

As this is complainant's second meritless judicial misconduct complaint,⁷ complainant is warned that the filing of another baseless or repetitive complaint may precipitate issuance of an order to show cause in accordance with Rule 10 of the Rules of Judicial-Conduct. See Rules of Judicial-Conduct, Rule 10(a) ("A complainant who has

⁷ Notably, the instant complaint, in part, is against the same subject judge and concerns the same underlying proceeding as complainant's first complaint. See supra note 3.

filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints").

April 17, 2026

Date

A handwritten signature in blue ink, appearing to read "Gustavo A. Gelpí", written in a cursive style.

Judge Gustavo A. Gelpí