

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

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IN RE  
COMPLAINT NO. 01-25-90004

BEFORE  
Barron, Chief Circuit Judge

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ORDER

ENTERED: APRIL 17, 2026

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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 judicial misconduct in presiding over complainant's civil case. The misconduct complaint is baseless, not cognizable, and not indicative of misconduct.

Complainant alleges that, in presiding over his civil case, the judge violated complainant's constitutional rights; concealed, ignored, and improperly handled evidence; undermined the fairness and integrity of and the public's confidence in the judicial process; prejudiced the administration of justice; delayed his case; disregarded legal standards; and violated Canons 2 and 3 of the Code of Conduct for U.S. Judges (Code of Conduct).<sup>1</sup>

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<sup>1</sup> See Code of Conduct for U.S. Judges (Code of Conduct), Canons 2 (providing, in part, that "a judge should avoid impropriety and the appearance of impropriety in all activities"), and 3 ("A judge should perform the duties of the office fairly, impartially[,], and diligently. The duties of judicial office take precedence over all other activities. The judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased.").

Complainant specifically alleges that the judge concealed a felony when taking no action on a fax and email, that complainant purports he sent to the judge's staff, including information about the crime and requesting an emergency hearing. Complainant further asserts that the judge's rulings, including those "dismissing critical exculpatory evidence," favored defendants and demonstrated a pattern of bias. Complainant adds that the judge intentionally suppressed evidence regarding complainant's motion requesting that certain defendants be arrested, failed to report and made misleading and defamatory statements regarding complainant's evidence that defendants engaged in felonies in order to conceal these crimes, and obstructed justice in violation of federal law. Complainant adds that the judge's concealment of crimes has harmed complainant legally, emotionally, financially, and psychologically. Complainant also objects to the judge's "terminat[ion]" of his motion for contempt.

Complainant further alleges that the judge appears to have a "mental impairment" that prevents the judge from discharging judicial duties properly, "as evidenced by [the judge's] actions, which suggest a belief that [the judge's own] policies override the Constitution of the United States," and that the judge committed a crime by failing to uphold the oath of office.

Complainant requests an investigation into the judge's alleged misconduct and purported violations of law, a written report outlining and addressing the findings of the investigation, appropriate disciplinary measures, judicial oversight of the judge, enforcement of the subpoenas issued in his civil case, proper handling of his case filings,

referral of his misconduct complaint to the Department of Justice, and other actions to restore public trust in the judicial system.<sup>2</sup>

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 or not indicative of misconduct. 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, to the extent complainant requests relief in his case, the judicial misconduct complaint procedure does not provide for such remedies. 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 rights complaint in connection with complainant's pending state court matter and a motion for leave to proceed in forma pauperis (IFP). The judge initially assigned to the case, who is not a subject judge of this complaint, granted the motion to proceed IFP and dismissed certain claims, in part, for failure to state a claim on which relief may be granted. Thereafter, the case was reassigned to the subject judge.

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<sup>2</sup> In the misconduct complaint, complainant includes numerous allegations against court staff, including, but not limited to, that they deprived complainant of due process, mishandled his filings, and improperly handled his email communications, as well as against defendants in complainant's case. These allegations are not addressed as the governing statute and the Rules for Judicial-Conduct and Judicial-Disability (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 relevant proceeding does not support complainant's allegations against staff. See infra pp. 3-5. See also Lynch, C.C.J., Order, In Re: Complaint No. 01-15-90002 (June 11, 2015) (explaining that the conduct of court staff in exercising their administrative duties is not attributable to the judge); and infra p. 7.

A number of defendants requested an extension of time to respond to the civil complaint, which the judge granted over complainant's objection. Complainant filed a pleading in which he requested that certain defendants be arrested, defendants filed an opposition, explaining, in part, that the authorities upon which complainant appeared to rely did not apply to defendants, and the judge denied the motion less than a month after defendants' opposition was filed for the reasons provided therein.

Certain defendants filed a motion requesting a further extension of time to respond to the civil complaint, explaining, in part, that an exhibit to the complaint had not been provided to defendants and was not accessible on the docket. The judge granted the motion, set a deadline for complainant to provide the exhibit to defendants, and ordered complainant to certify with the court that he had done so. After the deadline for complainant to furnish the exhibit passed, defendants filed a motion for a further extension of time to respond to the civil complaint as complainant had not provided them with the exhibit, which the judge granted.

Complainant filed an emergency motion seeking various injunctive relief in which he asserted that defendants had engaged in unlawful conduct in connection with his state court matter that put him in danger of physical harm, and defendants filed an opposition. Thereafter, defendants filed motions to dismiss on grounds, including, but not limited to, judicial immunity, abstention, and failure to serve defendants with the complete civil complaint, and complainant filed an objection. Complainant then filed notices of subpoenas for certain defendants and other individuals to produce documents or information, and, a few weeks later, the judge ordered the U.S. Marshals Service (USMS)

to serve the subpoenas upon complainant's furnishing of the necessary paperwork to the USMS. Approximately two months later, receipts and returns of process were filed for each of the subpoenas.

Several months after complainant filed his objection to the motions to dismiss, the judge entered a multiple-page order dismissing, in part, and staying, in part, the claims in complainant's civil complaint. In the order, the judge summarized the relevant background, outlined the applicable legal standards, dismissed without prejudice complainant's federal claims for equitable relief based on abstention and his state law claims for lack of supplemental jurisdiction, and stayed complainant's federal claims for damages until his state court matter concluded. The judge also denied as moot complainant's emergency motion for injunctive relief.

Subsequently, complainant filed a motion for reconsideration of the order dismissing and staying his proceeding in which he asserted, in part, that abstention did not apply as his state court matter had been brought against him in bad faith, one defendant filed an opposition arguing that complainant failed to provide any valid legal basis for reconsideration, and the judge denied the motion for the reasons outlined in defendant's opposition. Thereafter, complainant filed a motion for contempt and sanctions in which he asserted that the subjects of his subpoenas had failed to respond, and the judge denied without prejudice the motion as moot as the case was stayed. The case remains stayed.

The complaint is meritless. There is no evidence in the complaint or the docket of the proceeding to support complainant's allegations that the judge favored defendants,

was biased against complainant, concealed or ignored evidence, violated the Code of Conduct by acting with impropriety or failing to perform judicial duties fairly and impartially,<sup>3</sup> undermined the fairness of the judicial process, obstructed justice, concealed or committed crimes, made false or defamatory statements, or was otherwise improperly motivated in presiding over complainant's case. There is likewise no support for complainant's speculative assertion that the judge may have a mental impairment "rendering [the] judge unable to discharge the duties of . . . office." 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. 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."). According to the record, the judge issued multiple reasoned rulings in the case, including, but not limited to, a detailed order, in part, staying complainant's case until his state court proceeding concluded, as well as an order granting complainant's request for service of subpoenas. See supra pp. 4-5. 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).

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<sup>3</sup> 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 . . .").

Where, as here, there is no evidence of improper judicial motive, complainant's objections to the judge's rulings including, but not limited to: the orders denying complainant's motions to arrest defendants, for injunctive relief, and for sanctions, respectively; granting defendant's requests for extensions of time; dismissing, in part, and staying, in part, complainant's case; and directing complainant to provide defendants with the requested exhibit to the civil complaint, 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 allegation that the judge improperly delayed his case. 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).

Finally, complainant's objection to the handling of a fax and email that he purportedly sent to the judge's staff does not indicate misconduct on the part of the judge. See Lynch, C.C.J., Order, In Re: Complaint No. 01-15-90002 (June 11, 2015) (explaining that the conduct of court staff in exercising their administrative duties is not attributable

to the judge); see also supra note 2. Accordingly, the complaint is dismissed as not indicative of misconduct. See 28 U.S.C. § 352(b)(1)(A)(i). See also Rules of Judicial-Conduct, Rule 11(c)(1)(A).

For the reasons stated, Complaint No. 01-25-90004 is dismissed pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i), (ii), and (iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(A), (B), and (D), respectively.

April 17, 2026  
Date

  
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Chief Judge Barron