JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NOS. 01-25-90007 – 01-25-90009

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: MAY 27, 2026

Complainant, a pro se appellant, has filed a complaint under 28 U.S.C. § 351(a) against three judges of the U.S. Court of Appeals for the First Circuit. Complainant alleges judicial misconduct in connection with his appeal. The misconduct complaint is baseless and not cognizable.

Complainant alleges that the judges treated complainant in a demonstrably egregious and hostile manner when they "weaponized" the appellate process against him, insulted his intelligence, and lied to him in order to dismiss his appeal without considering or addressing the merits of his arguments. Complainant asserts that the judges' actions are "equivalent to 'assigning a low-priority to the case'"[1] and merit an

[1] See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Commentary on Rule 4 ("[A] complaint of delay in a single case is excluded as merits-related. Such an allegation may be said to challenge the correctness of an official action of the judge, *i.e.*, assigning a low priority to deciding the particular case.").

inquiry pursuant to Rule 11 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct).[2]

Complainant specifically asserts that, even though he explained the difficulties he had in accessing legal resources, the judges failed to construe liberally and "singled out" his pro se pleadings by "purposely default[ing or] den[ying]" them and dismissing his appeal based on technicalities. Complainant argues that the court failed to consider the "artful" and "enthusiastic" legal arguments in his brief. Complainant further disagrees with the judges' description of his brief in the order dismissing his appeal and alleges that the judges misused a term in this order in a hostile manner to confuse complainant and to insult his intelligence.

Complainant additionally argues that the judges lied to him by claiming that they thoughtfully considered the matter before deciding the case, as such consideration was impossible when the court quickly dismissed the case for technical deficiencies. Complainant alleges that, if the judges had considered the issues in his brief as they claimed, they would have treated complainant fairly by liberally construing his brief and overlooking its technical deficiencies.

Complainant requests that his misconduct complaint be carefully reviewed.

The record, including the misconduct complaint and the docket of the appeal, does not provide any support for complainant's allegations of judicial misconduct. According to the record, complainant filed pro se an appeal of an order denying post-judgment

[2] See Rules of Judicial-Conduct, Rule 11(a)-(b) (providing that a chief circuit judge must review a complaint of judicial misconduct or disability and "may conduct a limited inquiry" into the allegations therein).

motions that he filed pro se in a district court in the First Circuit. Complainant filed an opening brief in which he argued, in part, that his conviction was unjust. The government filed a motion for summary dismissal of the appeal, asserting that complainant's arguments were waived and/or meritless, and a motion to stay the briefing schedule pending disposition of the motion for summary dismissal or, alternatively, an extension of time to file an answer brief. Complainant filed an opposition and a revised opposition to both of the government's motions, asserting, in part, that his appellate brief preserved a meritorious argument that complainant raised in the district court and that the court had an obligation to construe liberally his pro se pleadings. Thereafter, complainant filed a number of additional miscellaneous pleadings, including, but not limited to, supplemental oppositions to the government's motion for summary disposition and motions requesting that the court liberally construe his submissions.

The case was submitted to a panel consisting of the three subject judges. The following month, the court entered a judgment in which it summarized the procedural history of the appeal; stated that the court had carefully reviewed the record and the appellate submissions; explained that, as complainant's opening brief did not mention or address his relief requested in his post-judgment motions or the district court order at which his appeal was directed, his arguments were waived, citing to precedent regarding waiver; dismissed the appeal; and denied all pending motions that were not mooted by the dismissal of the appeal.

The misconduct complaint is without merit. There is no evidence in the complaint or the docket of the appeal to support complainant's allegations that the subject judges

treated complainant unfairly or with hostility, "weaponized" the appellate process, discriminated against complainant by "singl[ing] out" his pro se pleadings to dismiss them, lied, were motivated to confuse or insult complainant or to dismiss his appeal, ignored his arguments, or were otherwise improperly motivated in presiding over complainant's appeal. Contrary to complainant's allegations, the docket of the appeal indicates that the subject judges considered complainant's pleadings and issued a judgment explaining the bases, with supporting caselaw, for the dismissal of the appeal. See supra p. 3. 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).

In the absence of any evidence of an improper judicial motive, complainant's objections to the substance and timing of the court's judgment dismissing the appeal and denying pending motions 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) ("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 on 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. . . . [A] complaint of delay in a single case is excluded as

merits-related. Such an allegation may be said to challenge the correctness of an official action of the judge, *i.e.*, assigning a low priority to deciding the particular case."); and supra note 1. 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. 01-25-90007 – 01-25-90009 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.

May 27, 2026
Date

Chief Judge Barron