

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-25-90010

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: JUNE 1, 2026

Complainant, a 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 his civil and criminal cases. The complaint is concluded.

Complainant alleges that the judge was biased against complainant, treated him with animosity, and exceeded the authority of the judicial office while presiding over complainant's cases, and is either "mentally ill[,] intellectually disabled[,] or both." Complainant asserts that the judge violated the following Canons of the Code of Conduct for U.S. Judges (Code of Conduct): Canon 1, providing that "[a] judge should uphold the integrity and independence of the judiciary;" Canon 2, providing that "[a] judge should avoid impropriety and the appearance of impropriety in all activities;" and Canon 3, providing that "[a] judge should perform the duties of the office fairly, impartially[,] and diligently."

Complainant specifically objects to two orders issued by the judge in the civil case to support his allegations of misconduct and disability: (1) a memorandum and order in

which the judge, in part, proposed sanctions against complainant; and (2) an order imposing sanctions against complainant.¹ Complainant asserts that, in both orders, the judge directed complainant to engage in a criminal conspiracy and attempted to "destroy [complainant's] future" by forcing him to access funds intended for his "health, education, welfare[,] and support" in order to pay a monetary sanction. Complainant outlines several purportedly false statements that the judge made in both orders, some of which complainant asserts are "defamatory and libelous." Complainant adds that the two orders are evidence that the judge exceeded judicial authority by continuing to investigate claims against complainant that have been fully investigated and adjudicated.

Complainant also objects to the judge's rulings: (1) ordering complainant to pay monetary sanctions, despite the judge's awareness that complainant had no means to do so; (2) denying complainant's requests for the judge's recusal; and (3) imposing certain conditions on complainant's supervised release and release pending sentencing.

Complainant adds that the judge issued several of these rulings, which complainant purports were impossible for him to follow, in order to "send [him] . . . to prison."

Complainant further opines that these rulings demonstrate the judge's animosity toward complainant and mental illness and adds that the judge is known to be irrational, vindictive, and abusive toward attorneys, probation officers, and defendants.

Complainant also asserts that the judge delayed ruling on complainant's motion to vacate the judge's order regarding a condition on his release pending sentencing. Complainant

¹ Complainant attaches these documents to his misconduct complaint. While he asserts that the second document is an order issued by the subject judge, the document is a proposed order filed by plaintiff in the civil case at the judge's request. See infra p. 4.

states that additional evidence of the judge's "judicial misconduct, specifically . . . violations of Canons 1, 2, and 3 [of the Code of Conduct] c[an] be found in the court transcripts" in his cases.

"[A]ction on the complaint is no longer necessary because of intervening events," and, accordingly, the complaint is concluded 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."). Regardless, and though not necessary to the disposition of this complaint, the reviewed record, including the misconduct complaint and the relevant portions of the dockets of complainant's cases, does not support complainant's allegations of judicial misconduct.²

The Civil Case

Briefly, the record provides that plaintiff filed a civil complaint against complainant and others. Complainant, through counsel, filed a motion to dismiss for

² Complainant, without providing any detail or specifics, asserts that seemingly all of the transcripts in both of his cases support his allegations of judicial misconduct. See supra pp. 2-3. While a "chief [circuit] judge may conduct a limited inquiry [that may include, among other actions,] obtain[ing] and review[ing] transcripts," as the complaint is concluded, the multiple transcripts in each of complainant's two cases were not reviewed. See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(b). See also In re Complaint of Judicial Misconduct No. 16-90139, 9th Cir. Judicial Council, Order (May 9, 2017) (dismissing complainant's allegations that "[a] judge 'constantly interrupted' [complainant,]" explaining that "[c]omplainant d[id] not identify any particular hearings, and instead state[d] that evidence [could] be found in the hearing transcripts for the past two years") (citing In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1372 (9th Cir. Jud. Council 2011) (determining that complainant's assertion that the transcripts in his underlying cases, without identifying any details about the alleged misconduct or specific transcripts or portions thereof, would demonstrate the subject judge's misconduct was "an invitation . . . to conduct a fishing expedition" and stating that a complainant has an "obligation to provide objective evidence of misconduct"')).

failure to state a claim. After briefing concluded and the judge held a hearing on the motion to dismiss, the court entered an order denying the motion.

Thereafter, plaintiff filed a motion explaining that plaintiff and complainant had agreed to a settlement with terms, including, but not limited to, that complainant pay a monetary penalty, and requesting that the court enter a judgment based on the proposed settlement. The court adopted the agreement and entered judgment.

Subsequently, plaintiff filed a motion requesting that the court issue an order to show cause why complainant should not be sanctioned due to purported violations of provisions of the judgment entered against him, including, but not limited to, the order to pay the monetary penalty. After obtaining discovery, with leave of court, regarding complainant's purported violations of the judgment, plaintiff filed a motion, with a supporting declaration, requesting, in part, that the court order complainant to pay monetary sanctions. Complainant, who at the time was proceeding pro se, did not file a response to the motion by the applicable deadline.

Thereafter, the judge entered a multiple-page memorandum and order, in part, outlining the procedural history and the relevant legal standards; explaining the court's findings; allowing plaintiff's motion for sanctions; proposing sanctions beyond those requested by plaintiff, including, but not limited to, that complainant be directed to make certain efforts to obtain funds to pay the monetary sanctions; and ordering the parties to submit their views on the proposed additional sanctions, with proposed orders. Plaintiff filed a response to the order in which it explained that it supported all but one additional provision proposed by the judge and attached a proposed order, and complainant filed pro

se a response in which he objected to each of the proposed additional provisions.

Subsequently, and after this misconduct complaint was filed, the judge entered an order adopting the proposed additional sanctions, except the one to which plaintiff objected, and entered judgment.

The Criminal Case

After plaintiff filed the motion to show cause in the civil case, see supra p. 4, a criminal case was opened in connection with complainant's alleged violations of the terms of the judgment in the civil case. Complainant, through counsel,³ filed a motion for the judge's recusal based, in part, on the appearance of judicial bias against complainant, and the government filed a response in which it stated that it would accept the court's determination of whether recusal was appropriate. The judge held a hearing at which the court heard arguments on the motion for recusal, outlined the applicable legal standards, read the court's findings of fact and rulings of law on the record, and denied the motion.

Subsequently, the U.S. Probation and Pretrial Services Office filed a request that the court order that complainant, who had been released on pretrial supervision, appear for a show cause hearing, as complainant had purportedly violated the conditions of his release, and the court ordered that complainant appear for a show cause hearing. The judge held a hearing at which complainant pleaded guilty to violating the terms of the judgment in the civil case, and the judge accepted the plea and heard testimony and oral

³ Complainant was represented by counsel throughout the criminal case.

argument on the show cause order. The judge then ordered that complainant be released on home detention pending sentencing, with special conditions.

Thereafter, following a sentencing hearing, the judge sentenced complainant to a term of imprisonment followed by supervised release with special conditions. Subsequently, complainant filed a motion to vacate one of the conditions of complainant's release on home detention, and the judge granted the motion several months later.⁴

As explained above, the complaint is concluded. See 28 U.S.C. § 352(b)(2); Rules of Judicial-Conduct, Rule 11(e); and supra p. 3. In any event, and though not necessary to the disposition of the complaint, the complaint is without merit. Complainant's allegations that, in presiding over complainant's cases, the judge was biased against complainant, improperly motivated, violated the Code of Conduct,⁵ or had a disability that "render[ed the] judge unable to discharge the duties of the . . . judicial office"⁶ are not supported by the reviewed record, which indicates that the judge held hearings at which complainant's counsel argued, issued reasoned rulings, and ordered complainant

⁴ The judge granted the motion to vacate after this misconduct complaint was filed.

⁵ A violation of the Code of Conduct for U.S. Judges (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 should lead to disciplinary action."); and Rules of Judicial-Conduct, Commentary on 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.").

⁶ 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.").

released pending sentencing.⁷ See supra pp. 4-6; and Rules of Judicial-Conduct, Rule 11(c)(1)(D) (providing that a judicial misconduct complaint may be dismissed if the complaint "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists"). In the absence of an improper motive, a complainant's objections to a judge's rulings are not cognizable. See 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, including a failure to recuse. 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.").

For the reasons stated, Complaint No. 01-25-90010 is concluded pursuant to 28 U.S.C. § 352(b)(2). See also Rules of Judicial-Conduct, Rule 11(e).

June 1, 2026
Date



Chief Judge Barron

⁷ Likewise, complainant provides no information whatsoever to support his allegation that the judge is "known" to be abusive toward various parties.