

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

IN RE
COMPLAINT NO. 01-25-90014

BEFORE
Barron, Chief Circuit Judge

ORDER

ENTERED: JULY 20, 2026

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 judicial misconduct in connection with two of his civil cases over which the judge presided. The misconduct complaint is not cognizable.

Complaint

Complainant alleges that the judge violated Canon 3(A)(2) of the Code of Conduct for U.S. Judges (Code of Conduct), which provides that "[a] judge should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings[,]" when the judge delayed in issuing rulings in his two civil cases. He asserts that the judge failed to rule on the following motions before the expiration of applicable deadlines: complainant's motions to proceed in forma pauperis (IFP) in the first and second cases, respectively; complainant's motions for injunctive relief in the first and second cases, respectively; and complainant's motion for an expedited hearing in the

first case. Complainant attaches to his misconduct complaint a PACER report providing the respective deadlines for defendant(s) to respond to these motions.

Discussion

The reviewed record, including the misconduct complaint and the dockets of the relevant proceedings, provides no support for complainant's allegations of judicial misconduct.

The First Case

Complainant filed pro se a civil rights complaint and a motion for leave to proceed IFP. A few days later, the judge entered a multiple-page order granting complainant's motion to proceed IFP, identifying deficiencies in the civil complaint, and instructing complainant to file an amended complaint that cured these issues. Thereafter, complainant filed a timely amended complaint.

Several months later, complainant filed motions for injunctive relief and an expedited hearing, respectively. The following month, complainant filed a motion in which he appeared to assert that the judge was delaying his case. Subsequently, and following the submission of this misconduct complaint, the judge entered an order dismissing the civil case as defendant was not subject to a claim under the statute complainant cited and the court lacked jurisdiction over complainant's state law claims.

The Second Case

Complainant filed pro se a civil rights complaint and a motion for leave to proceed IFP. The following month, complainant filed a motion for injunctive relief. A few months

later, and after this misconduct complaint was filed, the judge entered a multiple-page order granting complainant's IFP motion, explaining insufficiencies in the civil complaint, instructing complainant to file an amended civil complaint that stated a basis for the court's jurisdiction and a plausible claim for relief, and denying, without prejudice, complainant's motion for injunctive relief. Thereafter, complainant filed two amended civil complaints. Defendants' motions for judgment on the pleadings and to dismiss, respectively, are pending.

Analysis

The misconduct complaint is meritless as there is no evidence that the judge violated the Code of Conduct or engaged in judicial misconduct by improperly delaying complainant's cases.¹ In the absence of an improper motive or "habitual delay in a significant number of unrelated cases," neither of which complainant alleges or the record suggests, allegations of delay do not constitute cognizable misconduct. See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), 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."). The

¹ 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 [of Conduct] should lead to disciplinary action."); and Rules for Judicial-Conduct and Judicial-Disability Proceedings, 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 . . .").

record indicates that, in the first case, the judge granted complainant's motion to proceed IFP within days of its filing and explained to complainant the deficiencies in his civil complaint, while outlining requirements for curing such deficiencies. See supra p. 2. As to the second case, there is also no evidence of improper motive; the record shows that, within a few months of the initiation of the case, the judge issued a reasoned order granting complainant's IFP motion and instructing complainant to file an amended complaint.² See supra pp. 2-3. 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 No. 01-25-90014 is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(B).

July 20, 2026
Date



Chief Judge Barron

² The judge issued this order after the misconduct complaint was filed.