

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

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IN RE  
COMPLAINT NO. 01-25-90032

BEFORE  
Barron, Chief Circuit Judge

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ORDER

ENTERED: AUGUST 24, 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 judicial misconduct in connection with her civil case over which the judge presided. The misconduct complaint is baseless and not cognizable.

Complainant alleges that the judge's actions while presiding over complainant's civil case created an appearance of prejudgment and undermined the public's confidence in the integrity of the court. Complainant further asserts that, despite her efforts as a pro se litigant to follow proper protocols, the judge's decisions violated applicable procedure, due process, and judicial ethics. Complainant states that the judge violated Canon 2(A) of the Code of Conduct for U.S. Judges (Code of Conduct) by dismissing complainant's case without a written opinion, legal analysis, findings of fact, or any citation to authority, which left complainant with no basis for appeal.<sup>1</sup> Complainant further alleges that the

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<sup>1</sup> Canon 2(A) of the Code of Conduct for U.S. Judges (Code of Conduct) provides: "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

judge violated Canon 3(E)(1) of the Code of Conduct by denying complainant's motion for the judge's recusal, despite complainant's request that the matter be handled by a different judge.<sup>2</sup> Complainant adds that the judge ignored the evidence complainant submitted in her case and failed to rule on complainant's motion for clarification.

Complainant requests that "the Committee" investigate the allegations in her misconduct complaint and determine whether "disciplinary or corrective action is appropriate."

As an initial matter, because the allegations in the misconduct complaint are unsubstantiated and not cognizable, to the extent complainant requests the appointment of a special committee, there is no basis to do so. See Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rule 11(f) (requiring the appointment of "a special committee to investigate the complaint . . . and to make recommendations [for remedial action] to the judicial council," if the chief circuit judge does not dismiss or conclude the complaint); see generally id. Rule 11; and 28 U.S.C. § 351, et seq. Moreover, the reviewed record, including the misconduct complaint and docket of the underlying proceeding, provides no basis for complainant's allegations of judicial misconduct.

According to the docket, complainant filed pro se a civil action in a state court, and defendant removed the matter to a First Circuit district court.<sup>3</sup> Subsequently,

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<sup>2</sup> The Code of Conduct does not include Canon 3(E)(1); presumably, complainant intended to cite to Canon 3(C)(1) of the Code of Conduct, which provides, in part, that "[a] judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned . . . ."

<sup>3</sup> The civil complaint was filed by more than one plaintiff.

defendant filed a motion to dismiss for lack of standing and failure to state a claim upon which relief could be granted, among other reasons. After the deadline for complainant to respond to the motion to dismiss passed without her having done so, the judge entered an order directing complainant to show cause why the case should not be dismissed and to file any response to defendant's motion to dismiss by a specified deadline and stating that complainant's failure to comply with the order may result in dismissal of the case. Complainant filed a timely opposition to the motion to dismiss in which she, in part, outlined certain claims against defendant and attached supporting documentation as exhibits. With leave of court, defendant filed a reply to complainant's opposition.

After holding a hearing on the motion to dismiss at which complainant and counsel for defendant were present, the judge entered an order, in part, granting defendant's motion to dismiss as to complainant's claims. In the order, the judge, in part, outlined the factual background of the civil action and explained, citing to caselaw, that complainant did not have standing to bring the lawsuit.

Thereafter, complainant filed a motion for reconsideration of the dismissal order in which she asserted the merits of one of her claims, and defendant filed an opposition to the motion. The judge entered an order explaining that the court had considered the parties' filings and denying the motion for reconsideration. Complainant filed a second motion for reconsideration of the dismissal order in which she asserted, in part, that newly discovered evidence justified vacating the dismissal order, and defendant filed an opposition. The judge entered an order denying complainant's motion for reconsideration, explaining that the court had considered the parties' pleadings.

Complainant then filed a motion requesting that the court, in part, order the judge to recuse on the basis of purported errors in the judge's rulings, and the judge denied the motion. Thereafter, complainant filed a motion in which she, in part, requested clarification regarding whether a judge other than the subject judge reviewed complainant's recusal motion, and the subject judge denied the motion. Subsequently, complainant filed a second motion for clarification in which she requested the same relief included in her first motion for clarification, and the judge denied the motion several weeks later and following the submission of this misconduct complaint.

The misconduct complaint is without merit. Neither the complaint nor the record of the proceeding provides any evidence that, in presiding over complainant's case, the judge prejudged or appeared to prejudge complainant's case; discriminated or was biased against complainant based on her pro se status or for any other reason; ignored complainant's evidence or filings; violated the Code of Conduct by undermining the integrity of the judiciary, by deciding complainant's motion for the judge's recusal, or through any other actions that the judge took in the case;<sup>4</sup> or was in any way improperly motivated. The record indicates that the judge provided complainant the opportunity to show cause why the case should not be dismissed after complainant failed to file a timely response to defendant's motion to dismiss, considered complainant's pleadings, and

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<sup>4</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 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 . . .").

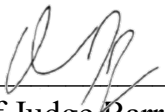
issued a reasoned ruling regarding defendant's motion to dismiss after holding a hearing on the matter. See supra pp. 3-4. Accordingly, the complaint is dismissed as baseless, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rule 11(c)(1)(D).

In the absence of any evidence of an improper judicial motive, complainant's objections to the substance and timing of the judge's decisions, including, but not limited to, those dismissing complainant's claims in the civil complaint and denying complainant's motions for the judge's recusal, reconsideration, and clarification, respectively, 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, 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 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 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. 01-25-90032 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.

August 24, 2026

Date

  
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Chief Judge Barron