

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. Nos. 03-23-90117, 03-23-90118, 03-23-90119, 03-23-90120, 03-23-900147

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IN RE: COMPLAINT OF JUDICIAL MISCONDUCT  
OR DISABILITY

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ORIGINAL PROCEEDINGS UNDER 28 U.S.C. § 351

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MEMORANDUM OPINION

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(Filed: February 8, 2024)

PRESENT: CHAGARES, Chief Judge.

This complaint was filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-64, against four United States District Judges (Subject Judges I, II, III, and V) and a United States Magistrate Judge (Subject Judge IV). For the following reasons, the complaint will be dismissed.

The Judicial Conduct and Disability Act provides a remedy if a federal judge “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.” 28 U.S.C. § 351(a). A chief judge may dismiss a complaint if, after review, he or she finds it is not cognizable under the statute, is directly related to the merits of a decision or procedural ruling, or is frivolous or lacks sufficient evidence to raise an inference of misconduct. 28 U.S.C. § 352(b)(1)(A)(i)-(iii).

Complainant is a frequent pro se litigant in state and federal courts. This misconduct complaint relates to civil lawsuits Complainant filed in federal court in 2022

and 2015. Subject Judge V assigned the 2022 matter to Subject Judges II and III (for different time periods), and Subject Judge IV presided over some aspects of the 2022 case while it was assigned to Subject Judge III. Subject Judge I was assigned to the 2015 matter.

Complainant complains that the Subject Judges involved in the 2022 matter made multiple legal errors and engaged in bias, but his contentions are merits-related, frivolous, and lacking evidence to raise an inference of misconduct. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Rule 4(b)(1), Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings. A large part of the misconduct complaint is comprised of various legal arguments and criticisms concerning Subject Judge II's 66-page decision dismissing that action with prejudice. Complainant argues (among other things) that Subject Judge II misapplied or ignored federal and New Jersey law, misunderstood Complainant's claims, and failed to consider alternatives to dismissing the complaint with prejudice. Not only are these claims non-cognizable as merits-related, but Complainant cannot obtain review of his legal points through these judicial misconduct proceedings. See In re Memorandum of Decision of Judicial Conference Committee on Judicial Conduct and Disability, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008) (noting that the misconduct procedure "is not designed as a substitute for, or supplement to, appeals or motions for reconsideration. Nor is it designed to provide an avenue for collateral attacks

or other challenges to judges' rulings.”).<sup>1</sup> These claims will therefore be dismissed. See Rule 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

To the extent that Complainant raises a non-merits-related allegation that Subject Judge II demonstrated “overwhelmingly blatant” personal and religious bias because Complainant is Muslim, he provides no evidence whatsoever to support this contention. The relevant record, including Subject Judge II’s Memorandum Opinion and Order, has been reviewed and reveals nothing suggesting prejudice or misconduct of any kind. This claim is frivolous and lacking in evidence from which an inference of bias could be made, and it is subject to dismissal. 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant’s allegations against Subject Judges III and IV are similarly flawed as merits-related, frivolous, and unsubstantiated. He asserts that Subject Judges III and IV made erroneous decisions in the 2022 matter by denying his recusal motion, pausing discovery, and denying a fee waiver. Like the challenges to Subject Judge II’s dismissal of his civil action, however, these claims call into question the correctness of the Subject Judges’ decisions and are subject to dismissal. See Rule 4(b)(1), Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse.”). Complainant makes additional allegations that Subject Judges III and IV “bullied and harassed” him through their rulings, retaliated against him after he filed a

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<sup>1</sup> Complainant has appeals pending at this time, and I express no opinion as to the merits of those appeals.

motion for their recusal, and exhibited bias against him; to the extent that these are non-merits related claims, he has failed to substantiate them. The record shows that Subject Judge III stayed discovery in recognition of the voluminous filings in the case, including numerous motions filed by Complainant and more than twenty motions to dismiss filed by the defendants, to allow for a decision on those dispositive motions to be made. The circumstances do not suggest anything but efforts to manage the case, which is properly within the discretion of the District Court. Complainant's allegations will be dismissed as frivolous and lacking evidence supporting an inference of misconduct. See Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

With respect to Subject Judge V, Complainant asserts that two letters he sent to Subject Judge V about "getting railroad" by other district judges in his 2022 matter went unanswered. However, the case docket reveals that Complainant's allegation is not accurate: Subject Judge V entered a letter order denying Complainant's first letter requesting her involvement; Complainant's second letter (in which he acknowledges Subject Judge V's response to his first letter) was filed only a few days before Subject Judge II entered his Memorandum Opinion and Order dismissing Complainant's amended complaint and closing the case. The claim will be dismissed as completely frivolous and unsubstantiated. See id.

Finally, Complainant devotes the remaining portion of his misconduct complaint to alleging various legal and non-merits claims against Subject Judge I, who presided over Complainant's 2015 federal civil action and ultimately dismissed it. Complainant did not

file an appeal in that matter. In any event, Complainant claims here that some of Subject Judge I's rulings indicate bias and prejudice. Nevertheless, these claims fare no differently than his others in the misconduct complaint, because they question the correctness of Subject Judge I's legal rulings, and, to the extent that they do not, Complainant's allegations have no support in the record. These claims are therefore subject to dismissal as merits-related, frivolous, and lacking sufficient evidentiary support to raise an inference that misconduct occurred. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Rule 4(b)(1), Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Based on the foregoing, this complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii).

s/ Michael A. Chagares  
Chief Judge

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. Nos. 03-23-90117, 03-23-90118, 03-23-90119, 03-23-90120, 03-23-90147

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IN RE: COMPLAINT OF JUDICIAL MISCONDUCT  
OR DISABILITY

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ORIGINAL PROCEEDINGS UNDER 28 U.S.C. § 351

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ORDER

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(Filed: February 8, 2024)

PRESENT: CHAGARES, Chief Judge.

On the basis of the foregoing opinion entered on this date, it is ORDERED AND ADJUDGED that the written complaint brought pursuant to 28 U.S.C. § 351 is hereby dismissed under 28 U.S.C. § 352(b)(1)(A)(ii) and (iii).

This order constitutes a final order under 28 U.S.C. § 352(c). Complainant is notified in accordance with Rules 11(g)(3) and 18, Rules for Judicial-Conduct and Judicial-Disability Proceedings, of the right to appeal this decision by the following procedure:

Rule 18(a) Petition. A complainant or subject judge may petition the Judicial Council of the Third Circuit for review.

Rule 18(b) Time. A petition for review must be filed in the Office of the Circuit Executive within **42 days** after the date of the chief judge's order.

18(b) Form. The petition should be in letter form, addressed to the Circuit Executive, and in an envelope marked "Misconduct Petition" or "Disability

Petition.” The name of the subject judge must not be shown on the envelope. The letter should be typewritten or otherwise legible. It should begin with “I hereby petition the judicial council for review of . . .” and state the reasons why the petition should be granted. It must be signed. There is no need to enclose a copy of the original complaint.

The full text of the Rules for Judicial-Conduct and Judicial-Disability Proceedings is available from the Office of the Circuit Executive and on the Court of Appeals’ internet site, [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov).

/s/ Michael A. Chagares  
Chief Judge

Dated: February 8, 2024