

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

---

IN RE  
COMPLAINTS NOS. 01-11-90015 AND 01-11-90016

---

BEFORE  
Lynch, Chief Circuit Judge

---

ORDER

ENTERED: AUGUST 10, 2011

---

Complainant, a pro se litigant, has filed a complaint, under 28 U.S.C. § 351(a), alleging that a district judge and a magistrate judge in the First Circuit engaged in misconduct while presiding over the complainant's civil proceeding. The complainant alleges that the judge and magistrate judge failed to enter the injunction complainant sought in her lawsuit. Other than the allegation that the case was erroneously dismissed, the misconduct complaint consists exclusively of nonsensical allegations of criminal and unethical conduct by the judge and the magistrate judge.

Complainant references a previous complaint of judicial misconduct that she allegedly filed with a filing fee. Complainant states that staff of the Court of Appeals Clerk's Office erroneously contend that they returned this submission to complainant.

The complainant adds that the District Court Clerk has created a second docket sheet, in order to "protect" the judge and magistrate judge.

The complaint consists almost exclusively of wholly implausible accusations of criminal and unethical conduct that have no apparent basis in reality or meaningful connection to the complainant's litigation. As such, the complaint is dismissed as frivolous, pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial-Conduct), Rules 11(c)(1)(C).

The only intelligible claim - that the orders entered in complainant's case were erroneous - is not cognizable as a misconduct complaint. The reviewed record indicates that, shortly after complainant filed a civil case against roughly one hundred persons, agencies and entities, the magistrate judge issued a recommended decision denying complainant's request for injunctive relief. The Court explained that, among other things, the complainant failed to demonstrate an entitlement to relief under the governing federal rules or provide an adequate basis for the court's jurisdiction. Over complainant's objection, the district judge affirmed the magistrate judge's recommended decision.

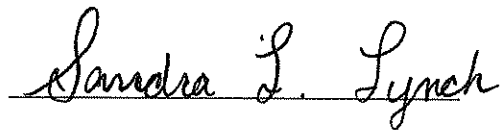
Absence evidence of illicit motivation, of which there is none, disagreement with the substance of a court's orders does not constitute grounds for a cognizable complaint of judicial misconduct. See Rules of Judicial-Conduct, Rule 3(h)(3)(A). Accordingly, the complaint is also dismissed as not cognizable, pursuant to 28 U.S.C. § 352(b)(1)(A)(ii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(B).

Finally, while allegations against court staff are not addressed by means of the judicial misconduct complaint procedure, see Rules of Judicial-Conduct, Rule 4, there is no indication that staff of either the District or Court of Appeals Clerk's Office has mishandled the complainant's submissions or engaged in other impropriety. The complainant did initially submit a filing fee with the present judicial misconduct complaint which Circuit Executive Office staff returned to her.

For the reasons stated, Complaints Nos. 01-11-90015 and 01-11-90016 are dismissed, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii), and 352(b)(1)(A)(iii). See also Rules of Judicial-Conduct, Rules 11(c)(1)(B) and 11(c)(1)(C).

August 10, 2011

Date

A handwritten signature in cursive script that reads "Sandra L. Lynch". The signature is written in black ink and is positioned above a horizontal line.

Chief Judge Lynch