

15-90080-jm
November 6, 2015
Chief Judge

**JUDICIAL COUNCIL OF THE
SECOND CIRCUIT**

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In re
CHARGE OF JUDICIAL MISCONDUCT

Docket No. 15-90080-jm

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ROBERT A. KATZMANN, *Chief Judge*:

On September 25, 2015, the Complainant filed a complaint with the Clerk's Office of the United States Court of Appeals for the Second Circuit pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364 (the "Act"), and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, 249 F.R.D. 662 (U.S. Jud. Conf. 2008) (the "Rules"), charging a former district judge of this Circuit (the "Judge") with misconduct.

The complaint alleges that the Judge was impersonating a federal judge when he presided over the Complainant's criminal proceedings thirty years ago. The Judge died in 1995, long before the filing of this complaint.

The complaint proceeding is concluded as moot. The Act's purpose is essentially forward looking and not punitive. The emphasis is on correction of

conditions that interfere with the effective and expeditious administration of the business of the courts. Because the Judge has died, “action on the complaint is no longer necessary because of intervening events.” 28 U.S.C. § 352(b)(2); 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.”).

The Clerk is directed to transmit a copy of this order to the Complainant.