Per Curiam

SUPREME COURT OF THE UNITED STATES

No. 09–54

IN RE COMPLAINTS AGAINST FOUR CIRCUIT JUDGES

ON MOTION FOR LEAVE TO FILE JUDICIAL ETHICS COMPLAINTS

[July 24, 2020]

PER CURIAM.

Before us is a motion for leave to file judicial ethics complaints against four of the five judges who now or previously sat on the Court of Appeals. Two of the complained of judges continue to sit on the court. The complaints were originally presented to the Court of Appeals itself, but that court recognized the difficulties which could arise from attempting to adjudicate such a matter in house. The matter was thus referred to this Court. We have considered the substance of the proposed complaints and have determined that, in light of their spurious and incomplete nature, allowing them to move any further would be inconsistent with both applicable federal law and the Constitution. The motion for leave to file the judicial ethics complaints is therefore denied.

I

A

Federal law authorizes the Court of Appeals to act as a "Court of the Judiciary" with jurisdiction to "oversee the proper conduct of [j]udges." Enhancing the Judiciary Act,

Pub L. No. 67–4, §104(a). The EJA's statutory scheme provides that "[u]pon a complaint being filed with the Court of Appeals . . . the Court shall issue a summons for the [complained-of judge] to appear and answer questions against him." §104(a). When complaints are referred by the Court of Appeals to us under this Court's Rule 19 or are otherwise presented for our consideration, our consistent practice has been to treat such complaints as motions for leave to file a complaint. See, *e.g.*, *In re Complaint Against Judge Acid-Raps*, 9 U. S. ___ (2020) (slip op., at 1) (denying the "motion for leave to file a judicial ethics complaint"). When considering such motions, we determine whether the provided complaint is cognizable under the terms of the EJA.

Judicial ethics complaints under the EJA are meant to determine whether a judge committed conduct that "violated a law or the Rules of Judicial Ethics." §104(c). If they did, the reviewing court can impose, as appropriate, a variety of penalties. These penalties range from "censur[ing] the judge" to temporarily "suspending" them or reporting them for impeachment or expulsion. *Id.*, at §§104(c)(1)–(4). Not all complaints are cognizable under the plain terms of the statute. As both the statute and the Constitution confirm, as we explain later, for a complaint to warrant review there must be a reasonable possibility that it will result in punishment. If that were not the case, the ethics review system would be exposed to a serious potential for abuse. We consider this case against that legal backdrop.

B

This case arises from a complaint filed by MamaGobies. In it, she alleges broadly that each judge "has violated Federal law in the form of the Judicial Restructuring Act of 2020, and therefore is subject to judicial discipline." The specific judges complained of were Chief Judge Hudson, Judge Arrighi, Judge Silberman, and Judge Liu. No elaboration on that general statement was provided for any of

the judges and no additional evidence was included. Of those judges, only two remain on the Court of Appeals: Chief Judge Hudson and Judge Arrighi. The rest retired to pursue other avenues of employment.

II

The statute authorizing the Court of Appeals to hear judicial ethics complaints is rather open-ended and could be understood to require that *any* document styled as a "complaint" receive full consideration. Certainly, that is the position complainant appears to press. We are not persuaded, however. In view of bedrock Article III principles that govern all laws respecting judicial procedure, we conclude that the better reading of the EJA confers jurisdiction only over those complaints which, on their face, present a reasonable possibility of resulting in punishment.

A

Our cases understand Article III to require that any "laws affecting the Judiciary . . . be consistent with basic principles of justice" and be "rationally justifiable under the circumstances." *Benda* v. *United States*, 6 U. S. 24, 38 (2019). This interpretation is based on the Judiciary's strong constitutional interest in its legitimacy. As we have repeatedly admonished, "[t]he legitimacy of the Judicial Branch ultimately depends on its reputation for impartiality and nonpartisanship." *Mistretta* v. *United States*, 488 U. S. 361, 407 (1989). Simply put, "justice must satisfy the appearance of justice." *Offutt* v. *United States*, 348 U. S. 11, 14 (1954). It follows that "public perception of judicial integrity is 'a state interest of the highest order.'" *Williams-Yulee* v. *Florida Bar*, 575 U. S. 433, 445–446 (2015) (citation omitted). For that reason, courts maintain a strong stake in the "untainted administration of justice." *Mesarosh* v. *United States*, 352 U. S. 1, 14 (1956).

The *Benda* principle channels these bedrock principles into a concise rule and helps to guarantee that the Judiciary

does not become "complicit in perpetrating an injustice of procedure." 6 U. S., at 38. When confronted with a law offending this principle, courts have a "duty to invalidate" it on its face. *Ibid.* And when confronted with an *application* of a law which offends this principle, courts have a duty to refuse that application. *Ibid.*

But when it comes to a statute of indeterminate scope, courts have a general obligation to avoid—"unless the terms of [the statute] rende[r] it unavoidable"—"giv[ing] [it] a construction . . . which should involve a violation, however unintentional, of the [C]onstitution." *Parsons* v. *Bedford*, 3 Pet. 433, 448–449 (1830). Therefore, when a statute respecting judicial procedure is ambiguous but one interpretation has the potential to apply unjustly or irrationally, courts must adopt an interpretation which avoids those problems.

B

Applied here, that principle requires us to hold that the EJA does not confer jurisdiction to hear judicial ethics complaints which do not have a reasonable possibility of resulting in punishment. It would be both unjust and irrational to require federal judges with life tenure to answer anything styled as a "complaint" even when that document does not contain any meritorious or substantive charge which would likely result in punishment upon full review. If judges could be subjected to a process of that kind, the limited ethics oversight envisioned by the EJA would quickly transform into a roving inquisition of unknown power that could be used to antagonize federal judges.

Moreover, such spurious complaints could easily distract judges from the performance of the duties assigned to them by the Constitution and laws of the United States, compromising the independence and protection afforded by the Constitution to the courts. We therefore conclude, in view of Article III, that the EJA does not confer jurisdiction on

either us or the Court of Appeals to hear complaints which lack a reasonable possibility of resulting in punishment.

III

The complaint presented in this case fits comfortably into that category. It is both spurious and incomplete. It lacks any specific description of the circumstances which actually may have resulted in an ethics violation or any direct statement of what law or ethics code was violated. Just as it would not be sufficient to simply say that a judge had "violated the Code of Judicial Ethics" without citing a specific canon, it is insufficient to merely say the judges complained of here "violated the Judicial Restructuring Act" without at least pointing to a specific provision of it. The provided complaint tells us absolutely nothing about this case and does not raise a reasonable possibility that punishment would follow from our review.

* * *

We therefore deny the motion for leave to file judicial ethics complaints in this case.

It is so ordered.