

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Thurgood Marshall United States Courthouse
40 Foley Square, New York NY 10007
212.857.8585

DEBRA ANN LIVINGSTON
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

January 24, 2024

Lidia M. Orrego
95-08 Queens Blvd., 3E
Rego Park, NY 11374

Re: *Judicial Conduct Complaint*, 02-23-90045-jm

Dear Ms. Orrego:

Attached is a copy of the Chief Judge's order dismissing your complaints.

If you wish to file a petition for review, you must submit a letter addressed to the Clerk of Court that begins with "I hereby petition the judicial council for review of the Chief Judge's order . . ." See 28 U.S.C. § 352(c); Rules of Judicial-Conduct and Judicial-Disability Proceedings 18. You need not provide additional copies of materials already filed, as those materials will be part of the record transmitted to the Judicial Council.

The petition for review must be received in the Clerk's Office within 42 days of the date of this letter. A petition received after this deadline will not be accepted for filing. See Rules of Judicial-Conduct and Judicial-Disability Proceedings 18(d).

Very truly yours,
Catherine O'Hagan Wolfe, Clerk of Court

By: 
Brenda Mojica
Deputy Clerk

23-90045-jm
January 24, 2024
Chief Judge



**JUDICIAL COUNCIL OF THE
SECOND CIRCUIT**

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In re
CHARGE OF JUDICIAL MISCONDUCT

Docket No. 23-90045-jm

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DEBRA ANN LIVINGSTON, *Chief Judge*:

In July 2023, 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 (the "Rules"), charging a magistrate judge (the "Judge") of this Circuit with misconduct.

BACKGROUND

The Complainant is the plaintiff in a pending employment discrimination lawsuit that has been referred to the Judge for general pretrial purposes. This is the third complaint of judicial misconduct that the Complainant has filed arising from this case, and the second against this magistrate judge. The procedural

history is described in the orders¹ dismissing the Complainant's prior complaints, and familiarity with those orders is assumed.

As relevant here, after twice being provided with court-appointed counsel, the Complainant is now representing herself. In June 2023, the Judge granted a defense motion to quash one of the Complainant's subpoenas, and denied the Complainant's motion to compel. The next day, the Complainant moved for the Judge's recusal based on the Judge's "outrageous decisions based on fraudulent misrepresentations and distortions of law, rules, and facts." The Judge denied the recusal motion about one week after it was filed.

The misconduct complaint is similar to the Complainant's prior complaints; i.e., it is rambling and contains numerous allegations of purported misconduct. It alleges, for example: (1) the Judge's rulings "lack specificity or legal argument"; (2) the Judge "has issued orders in contempt of the law, facts, and evidence"; (3) the Judge misinterpreted the federal rules of civil procedure when denying the Complainant's motion to compel and granting the defense's motion to quash; (4) the Judge is biased in favor of the defendants, as evidenced by her rulings on various pretrial motions; (5) the Judge is "disabled to follow

¹ See 22-90047-jm; 22-90048-jm.

processes and laws," as evidenced by her allegedly erroneous rulings; and (6) the Judge is "an accessory of Defendants' fraud on or upon the Court."

The complaint is dismissed largely for the reasons given in the order dismissing the Complainant's prior complaints. That is, to the extent the Complainant challenges the Judge's decision not to recuse and her other rulings on pretrial matters, and to the extent the Complainant alleges that the Judge is disabled as evidenced by her allegedly erroneous rulings, the claims are dismissed as "directly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii); Rule 4(b)(1) ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse."); 11(c)(1)(B). And to the extent the Complainant alleges that the Judge is biased as evidenced by rulings the Complainant regards as wrong, the claims are dismissed as "lacking sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(D). Rulings for or against a party, without more, are not evidence of bias.

As noted, the Complainant has now filed three complaints of judicial misconduct, against two different judges, all arising from the same underlying case. She is warned that further abuse of the judicial misconduct complaint

process may result in the imposition of restrictions or conditions on its use. *See* Rule 10(a) ("A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.").

The Clerk is directed to transmit copies of this order to the Complainant and to the Judge.