

-CITE-

28 USC Sec. 351

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART I - ORGANIZATION OF COURTS

CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL DISCIPLINE

-HEAD-

Sec. 351. Complaints; judge defined

-STATUTE-

(a) Filing of Complaint by Any Person. - Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.

(b) Identifying Complaint by Chief Judge. - In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this chapter and thereby dispense with filing of a written complaint.

(c) Transmittal of Complaint. - Upon receipt of a complaint filed under subsection (a), the clerk shall promptly transmit the

complaint to the chief judge of the circuit, or, if the conduct complained of is that of the chief judge, to that circuit judge in regular active service next senior in date of commission (hereafter, for purposes of this chapter only, included in the term "chief judge"). The clerk shall simultaneously transmit **a** copy of the complaint to the judge whose conduct is the subject of the complaint. The clerk shall also transmit **a** copy of any complaint identified under subsection (b) to the judge whose conduct is the subject of the complaint.

(d) Definitions. - In this chapter -

(1) the term "judge" means **a** circuit judge, district judge, bankruptcy judge, or magistrate judge; and

(2) the term "complainant" means the person filing **a** complaint under subsection (a) of this section.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1848.)

-MISC1-

SEVERABILITY

Pub. L. 107-273, div. C, title I, Sec. 11044, Nov. 2, 2002, 116 Stat. 1856, provided that: "If any provision of this subtitle [subtitle C (Secs. 11041-11044) of title I of div. C of Pub. L. 107-273, enacting this chapter, amending sections 331, 332, 372, 375, and 604 of this title, and section 7253 of Title 38, Veterans' Benefits, and enacting provisions set out as **a** note under section 1

of this title], an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions of such to any person or circumstance shall not be affected thereby."