

Judicial Council of the First Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The Rules for Judicial-Conduct and Judicial-Disability Proceedings, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks' offices, on individual federal courts' websites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: Walter Tuvell
Contact Address: 836 Main St.
Reading, Mass. 01867
Daytime telephone: (781) 475-7254

2. Name(s) of Judge(s): Barron
Court: United States Court of Appeals, First Cir.

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

Yes

No *(not directly — only indirectly via other Judicial Complaints)*

If "yes," give the following information about each lawsuit:

Court: _____

Case Number: _____

Docket number of any appeal to the _____ Circuit: _____

Are (were) you a party or lawyer in the lawsuit?

Party

Lawyer

Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number: _____

4. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.
5. **Declaration and signature:**
I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) WETuoll

(Date) March 6, 2017

STATEMENT OF FACTS

What Happened, Where, And When

I hereby accuse Judge Barron of **Judicial Misconduct**, in connection with his role as Chief Judge (designee) for the earlier two Judicial Misconduct Complaints I have filed (numbered by Judicial Council administrative staff as six numbers, № 01-16-90036 – 01-16-90041; and which, in turn, are ultimately based on the case *Tuvell v. IBM*, in which I am Appellant/Plaintiff (see those earlier Complaints for details)). Specifically: he wrongfully **lied**¹ (**falsely supporting the District and Appellate Judges, i.e., supporting the District and Appellate Judges' falsification of all the "facts of the underlying case, *Tuvell v. IBM*"**), substantively adversely to me, on the basis of his lies.

The complained-of behavior occurred in the Judicial Council's Opinion(/Order) ("**JCOp**"), dated Jan. 27, 2017, of which Judge Barron was the sole author and signatory — hence, he alone was responsible for its contents (so we are justified here in "identifying" JCOp with Judge Barron, interchangeably, by acceptable "abuse of language").

Grounds For Complaint

This section summarizes this Complaint **only briefly/summarily** (per instructions for filing this Complaint). For reference to **complete details fully elaborated**, see the section *Further Information To Aid Investigation, infra*.

A

We first address "**Imported/Inherited ('Old') Misconduct**" — that is, misconduct that was already present/committed by the District/Appellate judges, and which has now been adopted by the JCOp, as its own approval/affirmation of the decision in the underlying case, *Tuvell v. IBM*.

The JCOp whole-heartedly agrees with everything in the District and Appellate Courts decisions in *Tuvell v. IBM*. But, we have filed Judicial Complaints (№01-16-90036-01-16-90041) against the District and Appellate Courts for those decisions. Therefore (by "transitivity"/"inheritance"), we can, and hereby do, formally apply the same Com-

1 • "Lie" = "known falsehood intended to harm" ~ "**abuse of judicial power.**"

plaint-facts embodied in those earlier Complaints to Judge Barron.

B

We next address “**New Misconduct**” — that is, misconduct that was *not* imported/inherited from the District/Appeals judges.

We *first* charge (I) that Barron already falsified the very environmental context of the Judicial Council review process itself, by (in the language of the JCDR and related commentaries) designating himself to perform a “Chief Judge (designee)’s (mere/‘Limited’) Inquiry,” that is, refusing to appoint a “(‘Special’) Committee” (JCDR 11, JCApx ¶892–894). That false choice made a *mockery* of the very Judicial Council review process itself (***falsely evading/invading the investigative territory reserved for the Committee***), because it violated the regulatory clause of JCDR 11(b) (JCApx ¶892): “In conducting the [limited] inquiry, the chief judge [designee] must not determine any reasonably disputed issue.” Since there were *obviously* very many “disputed issues” involved in the Complaints (such as falsification of facts, violation of court rules, denial of the civil rights of equal protection and due process, etc.), whose general existence even the JCOp acknowledged, what Barron is saying by conducting only a “(‘limited’) inquiry,” is that the Complaints’ disputed issues *were* “*not reasonable*.” **That is false, on its face:** every rational reader of our Complaints *must* admit our issues were indeed *prima facie* “reasonable”. Hence, labeling them “not reasonable” commits an *a priori* act of Judicial Misconduct (namely, *perversion* of the Judicial Misconduct proceeding itself).

We *further* charge (II) that Judge Barron lied throughout the content text of the JCOp. We have ***very much*** to say about that. But, consistent with the “brevity” instruction for filing this Complaint, we off-board full presentation of that argument to an accompanying/“attached” document, “**Judicial Council Opinion(/Order), Annotated**”, “**JCOpAnn**”, containing a series of **annotations** to the JCOp; this JCOpAnn is introduced in the section *Further Information To Aid Investigation, infra*.

Further Information To Aid Investigation

Accompanying the instant Complaint, I am **concurrently** filing an associated document entitled “**Judicial Council Opinion(/Order)**,

Annotated”² (“JCOpAnn”) That document (together with JCApx, cf. *infra*) contains full presentation of the argument of the “New Misconduct” we charge against Barron.

Together with the document JCOpAnn just introduced, I am also filing an accompanying *appendix*, **“Judicial Council Appendix”³ (“JCApx”)**.

Finally, **all the documentation** associated with my previous Complaints (№ 01-16-90036 - 01-16-90041) — as mentioned in their sections *Further Information To Aid Investigation*, and including **all the documentation** mentioned in those documents, “transitively” (by inheritance); that is, the whole collection of *all* court records of *Tuvell v. IBM* and its Judicial Council Complaints (even if not presented by me to the Judicial Council) — is **hereby incorporated by reference** (obviously).

PDF copies of the “most-relevant” documentation is contained on the USB storage device (and corresponding Internet-accessible ZIP archive files) accompanying this Complaint.

Additional documentation does exist (as mentioned, in particular, the *complete* record of *all* court docket entries filed in *Tuvell v. IBM*), but is considered to be “irrelevant” for the specific purposes Judicial Council proceedings (as opposed to the underlying *case-in-chief* of *Tuvell v. IBM*) — though the Council may of course consult it, at its discretion.

2 • Strictly speaking, that document’s full formal title occupies three physical lines:

Judicial Council Opinion(/Order)
№ 01-16-90013 - 01-16-90041
Annotated

3 • Strictly speaking, that document’s full formal title occupies two physical lines:

Judicial Council Appendix
№ 01-16-90036 - 01-16-90041