

Judicial Council of the Third 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: Gabe Roth

Contact Address: 348 4th Ave., 1007, Brooklyn, N.Y., 11215

Daytime telephone: (202) 780-4990

2. Name(s) of Judge(s): Emil Bove

Court: _____

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

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Yes

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No

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:

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COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

- 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: /s/ Gabriel C. Roth Date: 12/10/2025

Chief Judge Michael A. Chagares
Third Circuit U.S. Court of Appeals
James A. Byrne United States Courthouse
601 Market Street
Philadelphia, PA 19106

December 10, 2025

Dear Chief Judge Chagares:

My name is Gabe Roth, and I am executive director of Fix the Court, a national nonpartisan organization that advocates for greater openness and accountability in the federal courts.

Today I file this complaint, under the Judicial Conduct and Disability Act, 28 U.S.C. §§351ff, against Third Circuit Judge Emil Bove for his attendance at a President Trump rally in Mount Pocono, Pa., on Dec. 9.

When asked about his attendance by a reporter, Judge Bove said he was “just here as a citizen coming to watch the President speak.”¹ There is no prohibition, of course, against a federal judge attending an event at which a President is speaking. For example, Supreme Court justices attend the State of the Union each year as a show of unity among the branches and their shared commitment to our tripartite form of government, and judges and justices are at times guests at White House at state dinners.

But last night’s event in Pennsylvania — prominent conservative voices are calling it a “rally,” so that’s what I will call it here² — was a far cry from the State of the Union or a state dinner for its abject partisanship. It should have been obvious to Judge Bove, either at the start of the rally or fairly close to it, that this was a highly charged, highly political event that no federal judge should have been within shouting distance of.

To offer but a few examples, President Trump attacked “the radical left” about 90 seconds in. Three minutes in, he started talking about the 2020 election, which he falsely claimed he won, and six minutes later, he encouraged rallygoers to boo at the “fake news.” At 18:50, the President mused about running for a third term and the crowd started chanting “four more years”;³ at 25:28, he called President Biden a “son of a bitch”; at 28:38, he called for the deportation of a Democratic member of Congress; and at 38:20, he called Democrats “bad people” and “sick people.” There are no reports that Judge Bove vacated his seat after hearing any of these injudicious comments.

The Code of Conduct for U.S. Judge is fairly clear here. Canon 2 states that a judge “should avoid impropriety and the appearance of impropriety in all activities.” Attending a Trump event — and not leaving when it became clear that the speech was, in fact, a partisan rally — violates this canon.

Canon 5 states that a judge “should refrain from political activity.” Last night’s event in Pennsylvania was barely distinguishable (i.e., only temporally) from a Trump rally in 2020 or 2024, both of which were obvious political activities.

Finally, in the coming days, if it hasn’t happened already, there will be questions from reasonable and unbiased observers as to whether Judge Bove’s attendance imperils his impartiality when assigned cases in which Trump

¹ See <https://x.com/VaughnHillyard/status/1998508313642938631>.

² See, e.g., <https://x.com/EricLDaugh/status/1998460803553653073> and <https://x.com/EdWhelanEPPC/status/1998575939450532097>

³ The timestamps are from a Fox News posting of the rally, available this link, <https://www.youtube.com/watch?v=-ZJgbCFaM84>.

is on either side of the “v.” This question of recusal is not something I wish to address here directly, but I do want to make the point that the mere discussion speaks to the impropriety of the judge’s attendance. (And if a judge attended a VP Harris, Sen. Sanders or Gov. Newsom rally, for example, that would merit a complaint and a similar recusal discussion if said judge was assigned a case involving one of those politicians.)

For all these reasons, I believe Judge Bove has violated multiple Canons of the Code of Conduct, should be admonished for his behavior and should be subject to any other discipline under the Judicial Conduct and Disability Act that the Chief Judge and the Judicial Council deem fit.

Sincerely,

A handwritten signature in black ink, appearing to read "Gabe Roth", is written over the printed name and organization. The signature is stylized with a large, sweeping "G" and "R".

Gabe Roth
Fix the Court

Gabe@FixTheCourt.com