

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-11-90005

**A Charge of Judicial
Misconduct or Disability**


Before: SENTELLE, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein and the supplement thereto, filed against a Judge of the United States District Court for the District of Columbia pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 and the Judicial Conference of the United States Rules for Judicial-Conduct and Judicial-Disability Proceedings, it is

ORDERED, for the reasons stated in the attached Memorandum, that the complaint be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii) & (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B) & (D).

The Clerk is directed to send copies of this Order and accompanying Memorandum to complainant, the subject judge, and the Judicial Conference Committee on Judicial Conduct and Disability. See 28 U.S.C. § 352(b); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(g)(2).



David B. Sentelle, Chief Judge
District of Columbia Circuit

Date: _____

5/6/11

M E M O R A N D U M

Complainant alleges that a judge from the United States Bankruptcy Court for the District of Columbia has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Specifically, complainant alleges that the subject judge has a personal bias or prejudice against complainant, violated complainant's "right to effective legal Counsel for the purpose of isolating [complainant] for coercion," violated the provisions in the Deed of Trust and the Fifth Amendment to the Constitution, allowed the opposing party to establish their case with unauthenticated evidence, allowed inadmissible evidence to be considered, structured the issues for judgment in favor of the opposing party, improperly recharacterized complainant's motions, and failed to construe complainant's pro se pleadings liberally. Complainant's allegations, however, do not provide any grounds for action against the subject judge.

Complainant's first allegation is that the subject judge had a personal bias or prejudice against complainant. While complainant does assert that the subject judge ruled against complainant or committed errors in considering the underlying case, complainant has failed to provide any specific evidence in support of the bias allegation. The allegation, therefore, lacks any evidence to raise an inference that judicial misconduct has occurred. See 28 U.S.C. 352(b)(1)(A)(iii), JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D).

Complainant's remaining allegations, including that the subject judge improperly deprived complainant of counsel, violated the Deed of Trust and the 5th Amendment, and committed various errors when considering the case, are direct challenges to the

merits of the subject judge's rulings. The appropriate avenue to obtain relief from alleged erroneous rulings, however, is not a judicial misconduct proceeding. See 28 U.S.C. § 352(b)(1)(A)(ii) (providing for dismissal of a complaint that is "directly related to the merits of a decision or procedural ruling"); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B) ("A complaint must be dismissed in whole or in part to the extent that the chief judge concludes that the complaint . . . is directly related to the merits of a decision or procedural ruling."). Complainant has pending before the United States District Court for the District of Columbia an appeal of the subject judge's denial of complainant's request for a preliminary injunction to undo a foreclosure sale. Any challenges to the merits of the subject judge's rulings should be made in that appeal.

Thus, because the allegations either lack sufficient evidence to raise an inference that judicial misconduct has occurred or are directly related to the merits of the subject judge's rulings, the complaint must be dismissed.¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY PROCEEDINGS 18(a), complainant may file a petition for review by the Judicial Council for the District of Columbia Circuit. Any petition must be filed in the Office of the Clerk of the Court of Appeals within 35 days of the date of the Clerk's letter transmitting the dismissal Order and this Memorandum. *Id.* R. 18(b).