

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-12-90014

**A Charge of Judicial  
Misconduct or Disability**

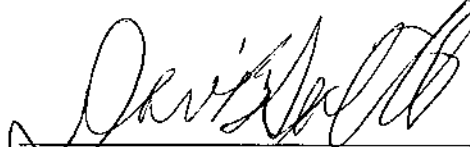
Before: SENTELLE, Chief Judge of the Circuit

## **ORDER**

Upon consideration of the complaint herein, 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)(iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(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: 5/14/12

## MEMORANDUM

Complainant alleges that a judge from the United States District Court has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Specifically, complainant alleges that the subject judge dismissed complainant's underlying case because the subject judge "receiv[ed] Bribes, and promises of Political advancement." Complainant also asserts that the subject judge "was also demanded by his Superiors in the U.S. Supreme Court to dispose of this matter in the best interest of the funding of the Article III Justice System."

Complainant further claims that "the Judge family, and other immediate benefactors of the Judge have received these Graffs [sic] in complete violation of [the subject judge's] sworn oaths." Complaint, therefore, argues that the subject judge "was influenced to cover this matter up by dismissing the lawsuit on some trivial alleged violations of the FRCP Rules with Prejudice." Last, complainant takes issue with the subject judge's reference to complainant as a "serial filer". Complainant's allegations, however, do not provide any grounds for action against the subject judge.

As support for the allegations that the subject judge received bribes and gifts, or was otherwise improperly influenced to dispose of complainant's case, complainant states that there is "serious" and "credible information" to prove these allegations. Complainant, however, has failed to provide any detail as to the nature of the information that proves the allegations. Thus, this allegation lacks any evidence to raise an inference that misconduct has occurred. See U.S.C. 352(b)(1)(A)(iii) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D). Complainant does ask that the subject judge's (and law clerks' and staff's),

"computers, cell phones, fax, mail logues [sic], meal logues [sic], and such other properties of we the people be produced for further inspection by [complainant]."

Without *any* evidence of misconduct, however, the court need not conduct such an investigation.

Complainant also asserts that the subject judge referred to complainant as a "serial filer" and that this was offensive. A review of the record and the subject judge's memorandum order, however, demonstrates that the subject judge was merely stating a fact and was not being derogatory. The subject judge noted that "Plaintiff is a serial filer of *pro se* lawsuits in various federal and state courts, including eighteen previous federal cases." An appearance of impropriety exists only when a reasonable person, "with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired." Code of Conduct for United States Judges Canon 2A commentary. The fact that the subject judge referred to complainant as a serial filer does not provide evidence that would cause a reasonable observer to doubt the subject judge's impartiality. Accordingly, these allegations must also be dismissed as lacking sufficient evidence to raise an inference that misconduct has occurred. See U.S.C. §

352(b)(1)(A)(iii) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D).

Because complainant's allegation lacks sufficient evidence to raise an inference that misconduct has occurred, the complaint must be dismissed.<sup>1</sup>

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<sup>1</sup> 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).