The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-12-90020
No. DC-12-90021
No. DC-12-90022

A Charge of Judicial Misconduct or Disability

Before: ROGERS, Acting Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against three Judges of the United States Court of Appeals 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 judges, 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).

Judith W. Rogers, Acting Chief Judge
District of Columbia Circuit

Date: 6/13/12

MEMORANDUM

Complainant alleges that three judges from the United States Court of Appeals have engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Specifically, complainant alleges that the subject judges have "refused to serve justice to the right one" and that by "not doing their job, [the subject judges] helped with the domino effect of injustice against [complainant's] life." Complainant's allegations, however, do not provide any grounds for action against the subject judges.

Although complainant's filing is voluminous, the exact nature of the subject judges' alleged wrongdoing is unclear. It appears that complainant is asserting that the subject judges have contributed to the injustice that has befallen complainant. Other than simply stating that the subject judges have "refused to serve justice to the right one" and that they have "helped with the domino effect of injustice," complainant has failed to provide any detail as to the specific nature of their wrongdoing. Thus, this allegation lacks any specific evidence to raise an inference that misconduct has occurred and must be dismissed. *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).

Moreover, it appears that complainant is really challenging the merits of the subject judges' order granting summary judgment in favor of the opposing party in complainant's underlying case. The appropriate avenue to obtain relief from the alleged erroneous ruling, 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 already filed two petitions for rehearing with the Court of Appeals, both of which were denied.

Because complainant's allegations either lack sufficient evidence to raise an inference that misconduct has occurred or is related to the merits of the subject judges' decision, 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).