

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-12-90038
No. DC-12-90039

**A Charge of Judicial
Misconduct or Disability**

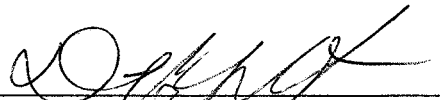
Before: SENTELLE, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against two Judges 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); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B).

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).



David B. Sentelle, Chief Judge
District of Columbia Circuit

Date: 10/25/12

MEMORANDUM

Complainant alleges that two judges from the United States District Court 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 denied complainant due process of law and equal protection of the law. Complainant also alleges that there is “[r]acketeering and [c]onspiracy that is taking place in the United States District Court.” Complainant’s allegations, however, do not provide any grounds for action against the subject judges.

Complainant asserts that the subject judges’ dismissal of complainant’s underlying complaint and the denial of complainant’s request for reconsideration “was done under the Color of Law to deny [complainant’s] 5th and 14th Amendments rights while denying equal protection of law.” Complainant also alleges that the subject judges treated complainant “in an egregious and hostile manner; while discriminating against this litigant on account of being a pro se litigant.” Other than alleging wrongdoing, complainant has failed to provide any specific evidence to demonstrate that the subject judge acted improperly. Thus, these allegations lack 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).

Moreover, the subject judge, to which case number DC-12-90039 has been assigned, was not involved in the complainant’s underlying cases. Thus, the complaint completely lacks any evidence of wrongdoing on the part of this subject judge. To the extent complainant intended to name the judge who denied complainant’s request for

reconsideration, the complaint must also be dismissed against this judge for failing to allege any specific evidence of wrongdoing. *Id.*

Because complainant's allegations lack sufficient evidence to raise an inference that misconduct has occurred, 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).