

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-12-90047

**A Charge of Judicial  
Misconduct or Disability**

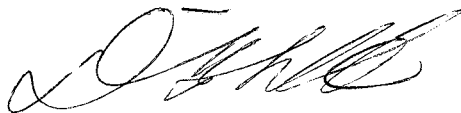
Before: SENTELLE, Chief Judge of the Circuit

## **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: 11/26/12

## M E M O R A N D U M

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 has “violated my due process of law rights” by “siding with the appellee and the lower district court.” Complainant also asserts that “[t]he current Judge is very biased in this case.” Complainant's allegations, however, do not provide any grounds for action against the subject judge.

Although the complainant alleges that the subject judge acted partially and favored the other side, complainant has failed to provide *any* facts to support those allegations. The complainant has, therefore, failed to allege any facts or evidence that would cause the average person to reasonably question the subject judge's impartiality. Thus, the complaint alleging bias must be dismissed as it lacks any evidence to raise an inference that judicial misconduct has occurred. See 28 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).<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).