

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-12-90049

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)(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: _____

2/5/13

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 failed to take appropriate action against the Clerk of the Court of the United States District Court for her failure to file complainant's petition for review. Complainant also asserts that the subject judge has acted in a "conspiratorial manner to prevent such pleadings from being heard to protect those named from receiving appropriate actions." Complainant's allegations, however, do not provide any grounds for action against the subject judge.

The complainant's allegations against the subject judge stem from the Clerk Office's failure to file complainant's petition for review. Complainant's pleading, however, was not filed because complainant failed to also submit an application to proceed in forma pauperis as required. The petition was returned along with a copy of the requisite in forma pauperis forms. Thus, there was no wrongdoing on the part of the Clerk of Court or the subject judge. Accordingly, the complaint fails to allege any evidence to raise an inference that judicial 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), and 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).