

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-13-90008

A Charge of Judicial Misconduct or Disability

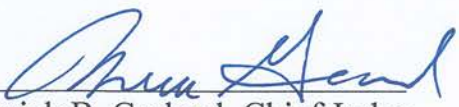
Before: GARLAND, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against a Judge of the United States Court of Appeals for the District of Columbia Circuit 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 the 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).


Merrick B. Garland, Chief Judge
District of Columbia Circuit

Date: 4-11-13

MEMORANDUM

The complainant alleges that a judge of the United States Court of Appeals for the District of Columbia Circuit has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Specifically, his complaint is that the subject judge refused to process his motions in order to protect the Clerk of Court and the parties in a case before this court. For the following reasons, the complainant's allegation does not warrant action against the subject judge.

The complainant mailed a "Motion for Production of Records Relevant to Petitioner's Claims" to the Clerk's Office, as well as a subsequent notice requesting documents in a specified case. The Clerk's Office advised the complainant that, because he was not a party in any case in this court, including the case he specified, his submissions could not be docketed. Instead, the Clerk's Office construed the mailings as requests for records, advised the complainant that copies could be made available to him for the regular per-page cost, see D.C. Cir. Rule 45(e)(4), and asked the complainant to indicate which documents he wanted copied. The complainant did not indicate which documents he wanted and did not submit payment.

The complainant alleges that thereafter he sent a "Letter of Notice" and "Coram Judice Writ Ad Judicium" to the subject judge, asking that the judge investigate the matter, and that the judge did not respond. After failing to receive a response, the complainant filed the instant judicial misconduct complaint against the subject judge.

The complainant has failed to provide any evidence that he sent the indicated submissions to the subject judge. Even if he had, the subject judge would not have had the authority to file the motions the complainant wanted filed because the complainant is not a party to any case in this court. In light of the above considerations, there are no allegations or evidence sufficient to raise an inference that misconduct has occurred. Accordingly, the complaint must be dismissed. *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).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), the 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).