

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-13-90019

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 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 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: 7-17-13

MEMORANDUM

The complainant alleges that a judge of the United States District Court for the District of Columbia engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Specifically, the complainant alleges that the subject judge denied him leave to file a case without prepayment of costs in retaliation for the complainant having filed another judicial misconduct complaint against a different subject judge. The complainant further argues that subject judge was “willfully conspiring with those involved to prevent the petitioners’ petition for review from being heard by acting without [any] jurisdiction.” For the following reasons, these allegations do not warrant action against the subject judge.

The complainant has not provided any specific evidence that the subject judge acted inappropriately. Even assuming the subject judge knew that the complainant had filed a judicial misconduct complaint against another judge, the timing of the subject judge’s order denying leave to file and the complainant’s misconduct complaint against the other judge make it impossible for there to have been any correlation between the two events. The subject judge issued the order denying leave well before the Circuit Executive’s Office received the misconduct complaint against the other judge. Moreover, the complainant has failed to provide any evidence that the subject judge conspired with anyone in an attempt to prevent the complainant’s petition for review from being considered.

The allegations against the subject judge lack sufficient 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). Accordingly, 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), 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).