

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-13-90033

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, it is

ORDERED that the complaint be dismissed for the reasons stated in the attached Memorandum. *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: 11/4/13

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. The complainant's allegation arises out of an Administrative Procedure Act complaint, filed in the district court, which was assigned to the subject judge. For the following reasons, this allegation does not warrant action against the subject judge.

The complainant alleges that the judge treated her in a "demonstrable egregious and hostile manner" and that the judge had improper communications with the government's counsel. The complainant has failed to provide any evidence that the judge acted inappropriately, however, and the record does not support a finding that the judge treated the complainant in a hostile manner. The fact that the judge granted the government's motion for an extension of time and directed the complainant to respond to the motion to dismiss does not support the allegation that the complainant was treated unfairly. Nor has the complainant provided any evidence that the judge had ex parte contacts with the government. The complainant alleges that the government and the judge must have had ex parte contacts because she did not receive the government's motion for an extension of time but did receive the court's order granting the motion. The government's motion, however, clearly states that it mailed the motion to the complainant at her address of record. These allegations therefore fail to provide specific evidence of wrongdoing on the part of the subject judge and thus lack sufficient evidence

to raise an inference that judicial misconduct occurred. *See* U.S.C.

§ 352(b)(1)(A) (iii); Jud. Conf. U.S., Rules for Judicial-Conduct and Judicial-Disability Proceedings 11(c)(1)(D).

Because the complainant's allegation lacks 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), 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).