

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of**

**Judicial Council Complaint No. DC-14-90002**

**A Charge of Judicial  
Misconduct or Disability**

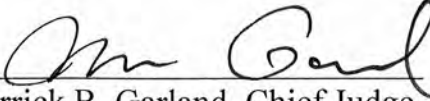
Before: GARLAND, Chief Judge of the Circuit

## 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)(ii), (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B), (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: April 3, 2014

## 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 allegation arises out of a Freedom of Information Act (FOIA) complaint that the complainant filed in the district court, and that was assigned to the subject judge. This is the complainant's third complaint against the subject judge.

The complainant alleges that the judge "is willfully committing Evidence Obstruction against [the complainant's] FOIA civil case . . . by allowing [Assistant U.S. Attorneys] . . . to CONCEAL legal documents from [the complainant] regarding the Charlotte North Carolina State's Reliable Confidential Informant who provided FALSE tip . . . against [complainant's] . . . Home. . . ." The complaint does not provide any evidence of such alleged obstruction and so must be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D) (providing that a complaint "must be dismissed" when it "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred"). To the extent that the complaint challenges the merits of rulings issued by the subject judge during the course of the complainant's FOIA case, it must also be dismissed. *Id.* 11(c)(1)(B) (providing

that a complaint “must be dismissed” when it “is directly related to the merits of a decision or procedural ruling”).<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), 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).