

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90003

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* JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(A).

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 fourth complaint against the subject judge.

The complainant alleges that the judge advised the District Court Clerk's Office staff "to incorrectly label my summary judgment legal documents and file such into the Clerk's Office docket system." The complainant asserts that he was told by Clerk's Office staff that the judge's "chamber staff persons advised [the Clerk's Office] how to label [the] summary judgment legal documents." The complainant apparently believes the documents were incorrectly labeled because they are listed on the docket with titles different from those assigned by the complainant.

The complaint does not proffer evidence that the documents were incorrectly labeled. Even if they were, mislabeling does not constitute evidence of judicial misconduct; the merits of the pleadings can still be considered regardless of the labels. Accordingly, the complaint must be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(A) (providing that a

complaint “must be dismissed” if it “alleges conduct that, even if true, is not prejudicial to the effective and expeditious administration of the business of the courts”).<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).