

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90004

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)(B), (D), (c)(2); *see also* 28 U.S.C. § 352(b)(1)(A)(ii), (iii).

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 fifth complaint against the subject judge.

The complainant asserts that the judge made incorrect statements in a summary judgment order to "willfully CONCEAL[] FBI Special Agent[']s . . . willful federal crimes." This allegation is identical to one contained in a previous judicial misconduct complaint that was filed by the complainant and subsequently dismissed. *See* No. DC-13-90032. The instant complaint does not provide any "material information not previously considered" with respect to that earlier complaint, JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(2). Accordingly, because the allegation of the instant complaint, like that in No. DC-13-90032, is directly related to the merits of the subject judge's decision and lacks sufficient evidence to raise an inference that misconduct has occurred, the complaint must be dismissed. *See* RULE 11(c)(1)(B), (D).<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 this 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).