

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90006

**A Charge of Judicial
Misconduct or Disability**

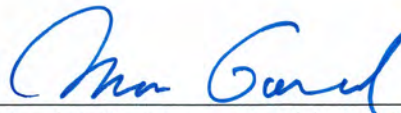
Before: GARLAND, Chief Judge of the Circuit

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: 5/13/14

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 allegations arise out of the complainant's False Claims Act suit, which was assigned to the subject judge. For the following reasons, the allegations do not warrant action against the subject judge.

The complainant alleges that the judge violated his constitutional rights by not allowing the complainant to litigate in his "legal middle name." The complainant's reference is to an order in which the judge dismissed the complainant's case with prejudice after finding "substantial evidence" that the name on the complainant's district court complaint was not his "real name and that the residence address listed on his complaint [was] not his residence address." Because this allegation is "directly related to the merits of a decision or procedural ruling," it must be dismissed. *See* U.S.C. § 352(b)(1)(A)(ii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B).

The complainant also alleges that an "alarming aspect" of the judge's order is that "it was filed the day before" the complainant was planning to petition for a writ of mandamus. The complainant states that the federal government "always seem[s] to know what I'm doing in real time" because "it's almost certain [it] monitors my communications." This allegation is "lacking sufficient evidence" or connection to the subject judge "to raise an inference that misconduct has occurred," and so it must also be

dismissed. *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).

Finally, the complainant alleges that “[a]nother alarming fact is that one of [the defendants’] lawyers . . . who participated in making known false representations to [the] Judge . . . regarding my legal name” has recently left her law firm and become “special counsel to the IRS Commissioner.” Although the complainant alleges that this “raises the question [w]hat prompted [the] Judge” to issue the order that he did, this allegation is also “lacking sufficient evidence to raise an inference that misconduct has occurred” and must likewise be dismissed. *See id.*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).