

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90009

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

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

Date: 8/26/14

MEMORANDUM

The complainant contends 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 contention arises out of a lawsuit that the complainant filed against federal employees in the Superior Court of the District of Columbia. The defendants removed the case to the U.S. District Court, and it was assigned to the subject judge.

In January 2014, the complainant filed a document entitled "Motion for Summary Judgment" in the above-described case. The subject judge construed the motion as one to remand the case to Superior Court on the ground that "[t]he removal of jurisdiction was made under a false address." The judge denied the motion, concluding that "Defendants properly removed this action under the federal officer removal statute, 28 U.S.C. §1442(a)(1)," and that "Plaintiff's address is irrelevant to removal under this statute."

In the instant misconduct complaint, the complainant states that "I am not asking for a motion to remand," challenges "[t]he propriety of the defendant's removal," and charges that the subject judge's determination "that the address is irrelevant . . . is one of the most horrible and discriminating things to say." These allegations are "directly related to the merits of a decision or procedural ruling." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii). Accordingly, the complaint against the subject judge "must be

dismissed.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B).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).