

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90014

**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 3(h)(3)(A), 11(c)(1)(B), 11(c)(1)(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

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. That contention arises out of a lawsuit that the complainant filed in the district court and that was assigned to the subject judge.

In the district court, the complainant filed an action against the District of Columbia. The subject judge dismissed the action for lack of subject matter jurisdiction, concluding that it “essentially seeks review of the local probate court’s rulings.” The complainant alleges that the judge “engaged in felony obstruction of justice, by blocking my case against the District of Columbia.” He further alleges that the judge “dismissed the case utilizing baseless arguments” because it “was never about a review of the D.C. Superior Court case, but was based upon fraud, neglect, failure to prevent and a plethora of other claims falling under [42 U.S.C. §] 1983.” But these allegations are “directly related to the merits of a decision or procedural ruling,” and hence they cannot constitute “[c]ognizable misconduct” under the Judicial-Conduct Rules. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 3(h)(3)(A); *see id.* 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii).

The complainant maintains that he is not challenging the “merits” of the judge’s decision, but rather is alleging that the judge “failed to be impartial” because of his “pervasive bias.” This “is evident from [the judge’s] order,” complainant argues, because the complainant’s district court case was “obviously . . . not based upon issues relating to

reviewing the D.C. Superior Court and anyone who is sane and not senile can understand that.” This evidence, however, is again “directly related to the merits of a decision or procedural ruling” and hence cannot alone constitute the basis for a misconduct complaint. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 3(h)(3)(A). Because the complaint offers no other evidence of bias, it “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred” and “must be dismissed.” *Id.* 11(c)(1)(D). *See* 28 U.S.C. § 352(b)(1)(A)(iii).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).