

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90020

A Charge of Judicial  
Misconduct or Disability

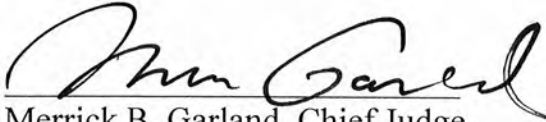
Before: GARLAND, Chief Judge of the Circuit

## 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

Date: 8/26/14

## M E M O R A N D U M

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 the complainant's attempt to file an amicus curiae brief in a False Claims Act suit that was assigned to the subject judge. The subject judge denied the complainant's motion for leave to file the brief on the ground that the motion was untimely because it was filed "more than two months after [the] Court heard argument on all pending motions to dismiss and had taken the[] motions under advisement."

The complainant alleges that the subject judge dismissed the complainant's motion "flippantly and without due consideration." This allegation cannot constitute grounds for a complaint of misconduct because it is "directly related to the merits of a decision or procedural ruling." 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 complainant further asks whether the subject judge "involved himself in some form of Quid Pro Quo scheme, as a favor to some friends, or even a bribe? To the point of entering into a criminal conspiracy to obstruct justice . . . [and] to violate my First Amendment guaranteed right to petition the government for a redress of a grievance and my guaranteed Fourteenth Amendment right to Due Process of Law?" Because the complainant offers no evidence in support of the allegation that the subject judge entered into a scheme or conspiracy, the allegation "lack[s] sufficient evidence to raise an inference that misconduct has

occurred,” and the complaint “must be dismissed.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii) .<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).