

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90012

**A Charge of Judicial
Misconduct or Disability**

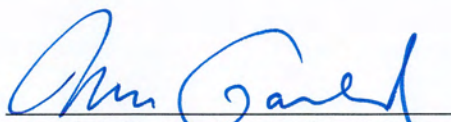
Before: GARLAND, Chief Judge

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.

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: 9/8/14

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 a lawsuit the complainant filed in the district court that was assigned to the subject judge. For the following reasons, the allegations do not warrant action against the subject judge.

The complainant sued a United States congressman and the Ethics Committee of the U.S. House of Representatives, asserting that the congressman “willfully concealed” from various congressional committees federal crimes allegedly committed by federal judges in New York, and that the committee improperly rejected his ethics complaint. The subject judge dismissed the complaint, finding that the suit was barred by the Speech or Debate Clause and was nonjusticiable under the political question doctrine and the Rulemaking Clause. The complainant alleges that, in so doing, the judge “willfully CONCEALED [the congressman’s] federal crime” and “willfully DISMISSED [his] valid Civil Rights case.” These allegations are “directly related to the merits of a decision or procedural ruling” and hence 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* JUDICIAL-CONDUCT RULE 11(c)(1)(B) (requiring dismissal of a complaint “directly related to the merits of a decision”); 28 U.S.C. § 352(b)(1)(A)(ii).

The complainant further alleges that the judge is “willfully CONCEALING . . .

FOIA legal documents . . . regarding the Charlotte North Carolina State’s Reliable Confidential Informant.” Because the complaint offers no evidence to support this allegation, it “lack[s] sufficient evidence to raise an inference that misconduct has occurred” and “must be dismissed.” JUDICIAL-CONDUCT RULE 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).