

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90034

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 Circuit Executive 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, JUDICIAL-CONDUCT RULE 11(g)(2).



Merrick B. Garland, Chief Judge

Date: 12/17/14

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 complainant's allegation arises out of a patent case brought by a plaintiff against the complainant that was assigned to the subject judge. The subject judge concluded that the plaintiff in that case did not infringe the complainant's patent and granted the plaintiff's motion for a permanent injunction barring the complainant from threatening the plaintiff and its customers with infringement litigation. The United States Court of Appeals for the Federal Circuit affirmed the judgment of the subject judge.

The complainant alleges that the judge acted "unconstitutionally" because she did not have the "perception to understand the trademarks" and "did not realize the substance of the content of the U.S. Trademark Law." This allegation is "directly related to the merits of a decision or procedural ruling" and therefore cannot constitute "[c]ognizable misconduct" under the Judicial-Conduct Rules. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, JUDICIAL-CONDUCT RULE 3(h)(3)(A). Accordingly, the complaint "must be dismissed." JUDICIAL-CONDUCT RULE 11(c)(1)(B).¹

¹ Pursuant to 28 U.S.C. § 352(c) and Judicial-Conduct Rule 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 Circuit Executive for the D.C. Circuit within 35 days of the date of the Circuit Executive's letter transmitting the dismissal Order and this Memorandum. JUDICIAL-CONDUCT RULE 18(b).