

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90029

**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 11(g)(2).


Merrick B. Garland, Chief Judge

Date: 2/2/15

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 the complainant's attempt to file an amicus curiae brief in a False Claims Act suit that was assigned to the subject judge. The judge denied the complainant's motion for leave to file the brief on the ground that the motion was untimely "because it was filed over more than two months after [the] Court heard argument on all pending motions to dismiss and had taken them under advisement." The judge also denied the complainant's subsequent motion to reconsider because "it [was] moot (the court ha[d] already ruled on the substantive motions)," and because the complainant "ha[d] failed to establish that he [was] entitled to relief."

The complainant alleges that the denial of his motion for reconsideration reflects a "depraved indifference to the 'Rule of Law.'" This allegation regarding the judge's decision to deny the motion "must be dismissed" because it "is 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). The complainant's further suggestion, that the only explanation for the judge's decision is that the judge "has become mentally ill and unstable to be a sitting judge" or "is attempting to conceal criminal conduct that is going on in his courtroom," lacks "sufficient evidence to raise an inference that misconduct has occurred or that a disability exists" and so must also be

dismissed. *Id.*, RULE 11(c)(1)(D). *See generally* 28 U.S.C. § 352(b)(1)(A)(ii), (iii).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).