

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90033

A Charge of Judicial Misconduct or Disability

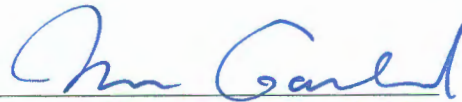
Before: GARLAND, Chief Judge

ORDER

Upon consideration of the complaint herein, and the supplement thereto, 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: 2/4/15

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 complainant's allegations arise out of a petition seeking confirmation of an arbitration award brought by petitioners against the complainant that was assigned to the subject judge. In response, the complainant filed a petition to deny the award. The subject judge concluded that the petition to deny the award was time-barred under the Federal Arbitration Act because the complainant had failed to seek to vacate, modify, or correct the award during the three months after it was issued. The complainant appealed the judge's decision to the United States Court of Appeals for the D.C. Circuit, but thereafter voluntarily dismissed the appeal.

The complaint alleges that the subject judge "ignor[ed] . . . documents, facts, and the option to slow down and stay matters allowing enforcement to do its work." This charge is "directly related to the merits of a decision or procedural ruling" and so "must be dismissed." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B). The complaint also notes a newspaper article reporting an injury to the subject judge, and alleges that this "raises [a] question" regarding "disability." This allegation "does not indicate a . . . physical disability

resulting in inability to discharge the duties of judicial office” and so must also be dismissed. *Id.*, RULE 11(c)(1)(A).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).