

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-15-90001
No. DC-15-90002

A Charge of Judicial
Misconduct or Disability

Before: GARLAND, Chief Judge

ORDER

Upon consideration of the complaint described herein, filed against two judges 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 judges, 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: 10/1/15

MEMORANDUM

The complainant has filed complaints of judicial misconduct against two judges of the United States District Court for the District of Columbia. For the following reasons, the complaints must be dismissed.

The complainant initially brought an action against a real estate company in the Superior Court of the District of Columbia. After a Superior Court judge dismissed the complainant's action, the complainant filed suit against that judge in the United States District Court for the District of Columbia. The suit was assigned to a U.S. District Court judge, who dismissed it for lack of subject matter jurisdiction. The U.S. District Court judge's opinion stated that the "Court cannot grant the relief the plaintiff seeks without reviewing the rulings of [the Superior Court judge], and this Court has no authority to do so," and further stated that the claim for damages could not succeed because the Superior Court judge had judicial immunity. The complainant then filed a second suit against the Superior Court judge in U.S. District Court, which was assigned to a second U.S. District Court judge. The second U.S. District Court judge dismissed the complainant's second federal suit for the same reasons stated by the first U.S. District Court judge. Thereafter, the complainant brought this judicial misconduct complaint against the two U.S. District Court judges who had dismissed his federal lawsuits.

The complainant alleges that the U.S. District Court judges "falsified the evidence that was submitted in plaintiff[s] original complaint" by wrongly concluding that he was "seeking review of [the judge's] final judgment, that the case was still pending before him

and that the lawsuit was brought against [the judge] in his personal capacity.” Those challenges to the subject judges’ findings and conclusions are “directly related to the merits of a decision or procedural ruling” and, therefore, “must be dismissed.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii). The complainant also alleges that the subject judges “used their judicial office on behalf of [the defendant Superior Court Judge] when they issued their dismissal orders and memorandum opinion, and intentionally and deliberately abused their discretion, erred and falsified the evidence before them.” Because the complainant offers no evidence in support of this allegation other than the judges’ decisions, it, too, is a challenge to the merits of those decisions and must be dismissed for that reason.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).