

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-15-90009

A Charge of Judicial Misconduct or Disability

Before: GARLAND, *Chief Judge*.

ORDER

Upon consideration of the complaint described 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: 10/15/15

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge of the United States District Court for the District of Columbia. For the following reasons, the complaint will be dismissed.

In late 2009, the complainant filed an employment discrimination lawsuit against the Secretary of the Department of Homeland Security (DHS). The case was assigned to the subject judge who, in September 2013, granted summary judgment in favor of the defendant. In May 2014, the complainant filed a second lawsuit with similar claims of discrimination. After DHS moved for summary judgment, the judge ordered the complainant to respond by September 12, 2014 or face dismissal. The judge subsequently granted the complainant a one-month extension and, after the complainant still did not respond, the judge granted DHS's motion as conceded on October 21, 2014. In January 2015, the complainant filed a motion for reconsideration, which the judge denied for failure to explain the grounds for reconsideration.

The complainant's complaint does not itself state the allegations upon which it charges misconduct by the subject judge. Those allegations can, however, be inferred from attachments to the complaint. With respect to the complainant's first lawsuit against DHS, an attachment states: "I believe [the subject judge] possibly have taken money bribes and backroom deals from federal Attorneys in return for ruling favorable on their behalf." With respect to the complainant's second lawsuit, an attachment states that the judge "had an improper motive in acting The [judge's] motive involved personal

bias that stem around contacts with opposing parties Assistant U.S. Attorney for the District of Columbia.”

Neither the complaint nor the attachments contain evidence of any kind to support the above allegations. Accordingly, because the complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS RULE 11(c)(1)(D), it must be dismissed, *id.* See 28 U.S.C. § 352(b)(1)(A)(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).