

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-15-90016

No. DC-15-90017

No. DC-15-90018

**A Charge of Judicial
Misconduct or Disability**

Before: GARLAND, *Chief Judge*.

ORDER

Upon consideration of the complaints described herein and the supplement thereto, filed against a judge of the United States District Court for the District of Columbia and two judges of the United States Court of Appeals for the District of Columbia Circuit, it is

ORDERED that the complaints 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 complainants, 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: 10/9/15

MEMORANDUM

The complainant has filed complaints of judicial misconduct against a judge of the United States District Court for the District of Columbia and two judges of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the complaints will be dismissed.

The complainant filed a civil lawsuit in the United States District Court asserting numerous claims against more than one hundred defendants. The case was assigned to the subject District Court judge, who dismissed the complaint without prejudice for failure to provide a short and plain statement under Federal Rule of Civil Procedure 8(a). The complainant then filed a notice of appeal with the Court of Appeals, together with motions for appointment of counsel and the accommodation of a desktop video magnifier to pursue the appeal. The two subject Court of Appeals judges were on a panel that denied the complainant's motions on the ground that "he has not shown that he requires appointment of counsel or a desktop video magnifier to pursue the appeal," and affirmed the District Court order on the ground that the "court did not abuse its discretion in dismissing appellant's complaint and civil action without prejudice for failure to comply with Fed. R. Civ. P. 8(a)."

The misconduct complaint alleges that the subject judges improperly denied the complainant's motions for appointment of counsel and accommodations. It also alleges that the District Court judge improperly dismissed the complainant's civil complaint because that complaint "clearly consists of enough information for anyone . . . to ascertain

what the complainant/plaintiff . . . is irrefutably and unequivocally complaining about.” These parts of the misconduct complaint must be dismissed because they are “directly related to the merits of a decision or procedural ruling.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

The complaint further alleges that, in ruling against the complainant, the subject judges discriminated against him due to his physical disabilities, religion, and/or race. The complaint, however, contains no evidence to support that claim. Accordingly, that part of the complaint must also be dismissed because it “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT RULE 11(c)(1)(D); *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).