

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of**

**Judicial Council Complaint No. DC-15-90019**

**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).

  
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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.

The complainant filed a lawsuit against numerous federal and state officials, including the President and all of the Justices of the Supreme Court, asserting 47 causes of action ranging from fraud to violations of the RICO and Hobbs Acts. The subject judge determined that the case was frivolous and failed to state a claim upon which relief can be granted, and therefore dismissed it pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), (ii). The complainant then filed the instant judicial misconduct complaint against the judge.

The complainant alleges that the judge “displayed bias, racial, class and prejudice animus discrimination” in dismissing his case. Because the complaint proffers no evidence at all of such bias or discrimination, it 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). Accordingly, that part of the complaint must be dismissed. *Id.*

The complainant also alleges that the judge showed “intrinsic fraud, impropriety and/or the appearance of impropriety” because the judge signed and dated the dismissal order on April 13, 2015, while the case was not docketed until three days later, on April 16, 2015. Although the complainant is correct that his civil complaint was not docketed until April 16, 2015, the time stamp on the complaint indicates that it was received by the

District Court on February 2, 2015. There is no evidence that the judge had any involvement in the actual docketing of the case, which is a clerical act, or that the delay in docketing the case until after the order was signed was the result of any misconduct on the part of the judge. Accordingly, this part of the complaint must also be dismissed as “lacking sufficient evidence to raise an inference that misconduct has occurred.” *Id.*; *see* 28 U.S.C. § 352(b)(1)(A)(iii).<sup>1</sup>

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<sup>1</sup> 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).