

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-15-90028

**A Charge of Judicial  
Misconduct or Disability**

Before: GARLAND, *Chief Judge*.

## **ORDER**

Upon consideration of the complaint 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: 12/9/15

## 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 misconduct complaint will be dismissed.

The complainant filed an action in the district court against a component of the government of the United Kingdom and other foreign parties. The first judge assigned to the case construed the claim as one brought under the Freedom of Information Act (FOIA), and dismissed it because “FOIA applies only to agencies of the executive branch of the United States government.” The complainant then filed a motion for relief pursuant to Federal Rule of Civil Procedure 60(b) and noted an appeal. The motion for relief was assigned to the subject judge. Like the first judge, the subject judge concluded that FOIA applies only to U.S. government entities and therefore denied the motion. The complainant filed a second notice of appeal, and the two appeals are currently pending.

The complainant has now filed the instant judicial misconduct complaint against the subject judge, alleging that the judge used her “office and the federal court to obtain special treatment for the British parties and other foreign parties.” She further alleges that the judge had a “personal bias, partisan political activity and improper contacts with the opposing party or supporters of [the] British Crown in the U.S.A.” Because the complaint offers no evidence of misconduct other than the complainant’s own opinion that the judge favored the defendants and acted with “personal bias,” those contentions are “based on allegations lacking sufficient evidence to raise an inference that misconduct

has occurred” and must be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, RULE 11(c)(1)(D); *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).