

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-16-90039

A CHARGE OF JUDICIAL  
MISCONDUCT OR DISABILITY

Before: HENDERSON, *Circuit Judge*\*

## ORDER

Upon consideration of the complaint herein and the supplement thereto, 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. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B), (D).

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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Karen LeCraft Henderson, Circuit Judge  
District of Columbia Circuit

Date: 9/28/16

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\* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

**MEMORANDUM**

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 a civil lawsuit in the United States District Court for the District of Columbia. The case was assigned to the subject judge, who dismissed the case as frivolous. Complainant then filed a judicial misconduct complaint.

To the extent the judicial misconduct complainant reiterates the allegations made in the civil action that was dismissed as frivolous, these allegations are either “directly related to the merits of a decision or procedural ruling,” or they “lack sufficient evidence to raise an inference that misconduct has occurred.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B), (D); see 28 U.S.C. § 352(b)(1)(A)(ii), (iii). Accordingly, this part of the judicial misconduct complaint must be dismissed.

Complainant also alleges that the subject judge had a conflict of interest based on two of the law firms at which he previously worked. These claims, however, “lack sufficient evidence to raise an inference that misconduct has occurred,” and therefore the remainder of the complaint must be dismissed as well. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 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 JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY PROCEEDINGS, 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 42 days of the date of the dismissal order. *Id.* Rule 18(b).