

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-16-90045

A CHARGE OF JUDICIAL  
MISCONDUCT OR DISABILITY

Before: HENDERSON, *Circuit 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. 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 complainants, 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).



Karen LeCraft Henderson, Circuit Judge  
District of Columbia Circuit

Date: 12/6/16

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

**MEMORANDUM**

Complainants have 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 complainants filed a civil lawsuit in the United States District Court for the District of Columbia. The case was originally dismissed without prejudice, but was later reopened and assigned to the subject judge. Complainants filed a motion to recuse the subject judge, alleging he had a “relationship to a Party or Attorney.” The subject judge denied the motion on the ground that the motion did not identify the party or attorney in the case with whom he purportedly had a relationship, and there was no basis for recusing himself. Complainants subsequently filed a judicial misconduct complaint.

The judicial misconduct complaint, however, contains no specific allegations of misconduct. To the extent complainants rely on their district court filings to show there has been misconduct, any allegations based on those filings are “directly related to the merits of a decision or procedural ruling” or otherwise “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). Therefore, the judicial misconduct complaint must be dismissed. *Id.*; 28 U.S.C. § 352(b)(1)(A)(ii), (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 complainants 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).