

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-17-90009

A CHARGE OF JUDICIAL  
MISCONDUCT OR DISABILITY

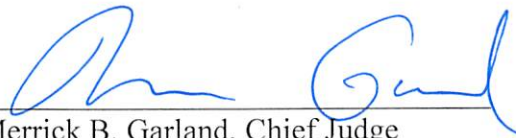
Before: GARLAND, *Chief Judge*

## 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  
District of Columbia Circuit

Date: 8/30/17

## 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 suit against the District of Columbia and one of its employees. The subject judge denied a motion by the complainant to amend his complaint, and at the same time denied a motion by the defendants to dismiss the case. The judge then directed the defendants to file their motion for summary judgment. The defendants subsequently moved for extensions of time to file, which the judge granted. The defendants have since filed their motion for summary judgment, which remains pending before the subject judge.

The complainant has now filed the instant judicial misconduct complaint against the subject judge, alleging that the judge is biased against him. According to the complainant, the evidence of such bias is that the judge: granted extensions of time for the defendants; “ruled against me” on motions the complainant filed “challenging” the defendants’ counsel; and failed to grant the complainant’s motions to schedule “resolution and settlement” hearings. All of this evidence is “directly related to the merits” of the subject judge’s decisions and procedural rulings. Accordingly, it cannot constitute the basis for “cognizable misconduct” under the Judicial-Conduct Rules, and the allegation must therefore be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, RULES 3(h)(3)(A), 11(c)(1)(B); *see* 28

U.S.C. § 352(b)(1)(A)(ii).

The only other allegation that complainant proffers in support of his claim of bias is that the subject judge “has shown that he is a more conservative judge.” The complainant would prefer, he says, a judge “more liberal in her judgment.” This allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred” and must also be dismissed. JUDICIAL-CONDUCT 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 42 days of the date of the Circuit Executive’s letter transmitting the dismissal Order and this Memorandum. JUDICIAL-CONDUCT RULE 18(b).