

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-18-90001
No. DC-18-90002

A Charge of Judicial Misconduct or Disability

Before: GARLAND, *Chief Judge*.

ORDER

Upon consideration of the complaint herein, filed against two judges 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 judges, 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: 11/1/18

MEMORANDUM

The complainant filed a complaint of judicial misconduct against two judges 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 against the United States, the Department of State, and President Trump. The case was assigned to one of the subject judges, who described the complaint as follows:

Plaintiff, a District of Columbia resident, sues the United States, seeking “to bring to justice those civil servants guilty of dereliction of duty,” which allegedly “caused” his daughter “to be left in a foreign county, in the hands of murdering foreign nationals.” Compl. at 1. Plaintiff alleges that his daughter, now age 15, “was abducted as an infant from the arms of her mother who was killed for refusing to give up her daughter.” *Id.* Allegedly, the daughter is being held against her will in Mexico “until she reaches the age of 18 . . . whereby she can be forced to sign over her inheritance.” *Id.* . . . As relief, plaintiff seeks (1) to “[s]ecure the freedom of [his daughter] by means of [an] Extradition Order from Sinaloa, Mexico to the United States whereby she’s united with her father,” and (2) “[f]acilitate the transfer of all [of the daughter’s] inherited funds . . . to the U.S. to be placed under the guardianship/conservatorship of [plaintiff],” as her biological father.” *Id.* at 3.

The judge dismissed the complaint, stating: “Notwithstanding the dubious nature of plaintiff’s allegations, any recourse he may have would lie in Mexico”; “the United States’ extradition statute is inapplicable”; and “[n]othing in the statutory text creates a private right of action.” The complainant noted an appeal, which is currently pending.

The complainant then filed the instant judicial misconduct complaint against the judge who handled his case and a second judge. The complainant alleges that “[b]oth [judges] participated in taking bribes and favors to keep my daughter”; that the bribes and favors were “from the former President Barack Obama”; and that the judges and others “plotted to harm and destroy Madam[e] Speaker Nancy Pelosi to destroy our country and our way of life.”

The complaint does not cite, identify, or reference any evidence in support of its allegations against either judge. Nor is there any indication in the record that the second judge had any role in the disposition of the complainant’s case. Accordingly, because the complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” it 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).¹

¹ 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 after the date of the dismissal order. JUDICIAL-CONDUCT RULE 18(b).