

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-18-90008

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 Bankruptcy 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: _____

9/11/18

MEMORANDUM

The complainant filed a complaint of judicial misconduct against a judge of the United States Bankruptcy Court for the District of Columbia. For the following reasons, the misconduct complaint will be dismissed.

The complainant filed a Chapter 13 bankruptcy case. The Chapter 13 Trustee filed a motion to dismiss with prejudice and a request to bar the complainant from refileing a bankruptcy petition in any district for a period of two years. The Trustee's motion stated, inter alia, that the debtor had "filed multiple bankruptcy cases," "failed to appear and submit to an examination . . . as required by 11 U.S.C. § 343," "failed to timely commence plan payments . . . as required by 11 U.S.C. § 1326(a)," and "failed to comply with 11 U.S.C. § 521(e)(2)(A) by failing to provide . . . a copy of the Federal income tax return." The subject judge granted the motion to dismiss and enjoined the complainant from filing additional bankruptcy petitions for two years. The complainant then sought to vacate the dismissal order and reopen the bankruptcy case, which the judge denied. The complainant noticed an appeal, which was ultimately dismissed by the United States District Court on the ground, inter alia, that "the appeal is plainly frivolous."

While the appeal was pending, the complainant filed the instant judicial misconduct complaint against the subject judge. The complainant alleges:

civil rights violations, racial discrimination, contempt of the Bankruptcy's court order striking my motion from the Bankruptcy's court record on 12/29/17; moral turpitude, privately mocking debtor . . ., inappropriate contact with the creditors associated in debtor[']s . . . cases; co[-]mingling

of debtor[’s] . . . Chapter 7 discharge with debtor[’s] . . . Chapter 13 closed case; libel, slander, intentional infliction of emotional distress, multiple violations of the canons on judicial ethics, pecuniary injuries, non-pecuniary injuries and other injuries under the color of law.

The complaint does not cite, identify, or reference any evidence in support of its allegations against the judge. Nor is there any indication in the appended record material that misconduct has occurred. 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).