

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90004

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 Court of Appeals for the District of Columbia Circuit, 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 (2019), RULE 11(g)(2).


Merrick B. Garland, Chief Judge

Date: 7/30/2019

MEMORANDUM

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

In 2009, the complainant filed two civil complaints. In the first, he described himself as “psychiatric[ally] disabled.” He alleged that the management of his Maryland apartment conspired with tenants and “governmental agents” to harass him and discriminate against him by, inter alia, vandalizing his food, assaulting him while he slept, drugging him, falsely accusing him of rape, and trying to frame him. In the second complaint, the complainant sued his former landlords and roommate for violations of the Fair Housing Act and civil rights laws. He alleged that his apartment “had hidden cameras and surveillance to spy on me” and that his roommate engaged in prostitution, committed domestic violence against him, stalked him, and falsely accused him of “an OJ Simpson charge.” He also asserted that the Baltimore Ravens football team and others were involved in the conspiracy against him. The district court dismissed both complaints as “describ[ing] fantastic or delusional scenarios.”

The complainant appealed both decisions. The appeals were assigned to a panel of three judges, including the subject judge. In a 2010 judgment, the court of appeals determined that the district court had properly dismissed the complaints as frivolous, noting that the complaints contained “factual allegations that are so implausible as to be

‘fantastic or delusional.’”

In March 2019, the complainant filed the instant misconduct complaint against the subject judge, presumably (but not explicitly) because of the judge’s involvement in the 2010 appeals. The gravamen of the complaint is an allegation that the subject judge “has continually abused his position to ca[u]se hardship and injustice upon the innocent educated African American male complainant.” It is unclear from the complaint whether it alleges racial bias or some kind of retaliation. In either event, the complaint fails to provide any evidence or specification of misconduct. Accordingly, the complaint is dismissed because it is based on an allegation “lacking sufficient evidence to raise an inference that misconduct has occurred.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), 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).