

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of**

**Judicial Council Complaint No. DC-19-90015**

**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 (2019), RULE 11(g)(2).

  
Merrick B. Garland, Chief Judge

Date: 7/30/2019

**MEMORANDUM**

The complainant has filed a second complaint of judicial misconduct against a judge of the United States District Court for the District of Columbia, arising out of the complainant's lack of success in a civil lawsuit to which the subject judge was assigned. For the following reasons, the misconduct complaint will be dismissed.

As recounted in the Order and Memorandum dismissing the complainant's first complaint (DC-18-90090), the complainant's lawsuit sought \$1 million in damages from the District of Columbia, federal agencies, and certain individuals for injuries suffered when he "had slipped and had fallen on the . . . public sidewalks and public sidewalks' curbs that were directly adjacent to" a U.S. Post Office. The subject judge granted in its entirety the District of Columbia's motion to dismiss, granted the United States' motion to dismiss with respect to Rehabilitation Act and constitutional claims, and denied the complainant's motions to vacate certain earlier orders and to transfer the case to the District of Maryland. The complainant filed an interlocutory appeal, which the Court of Appeals ultimately dismissed for failure to prosecute. The Court also denied the request for a transfer.

Thereafter, the federal government filed a motion to dismiss in the district court for lack of prosecution. The subject judge ordered the complainant to confer with the defendants or face dismissal for failure to prosecute, noting that "[t]his is Plaintiff's final opportunity to litigate this matter." Instead of conferring, the complainant filed a

“response” to the order, indicating that he would simply “add his formal demands and formal requests to [defendants’] initial ‘joint report.’” The complainant also filed another motion to vacate the judge’s orders and to transfer the case. The judge dismissed the complaint and denied as moot the motions to vacate and to transfer. The complainant has appealed the dismissal order, and that case remains pending.

The complainant then filed a motion to vacate the dismissal order. The judge denied the motion to vacate, finding that the complainant’s filing of “responses” to the motion to dismiss were not evidence of complying with the order to meaningfully confer with the defendants.

The complainant has now filed his second judicial misconduct complaint against the subject judge. This misconduct complaint states:

Continuous complaints of totally unlawful and totally illegal discrimination by [the subject judge]. He had also wrongfully dismissed my lawsuit based on his totally racist and totally anti Islamic and et cetera beliefs that I failed to prosecute my case by his deadline of March 15, 2019, when the attached Exhibits and your PACER system had clearly documented my timely filed response in writing to his February 15, 2019 order of court.

As with the first misconduct complaint, this complaint does not cite, identify, or reference any evidence in support of the allegations of discrimination by the subject judge. Nor can bias be shown merely by “call[ing] into question the merits” of the judge’s decisions.

JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 4(b)(1). Accordingly, because the complaint “is based on allegations

lacking sufficient evidence to raise an inference that misconduct has occurred,” it will be dismissed. JUDICIAL-CONDUCT RULE 11(c)(1)(D); *see id.* 11(c)(1)(B); *see also* 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 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).