

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90018

A Charge of Judicial Misconduct or Disability

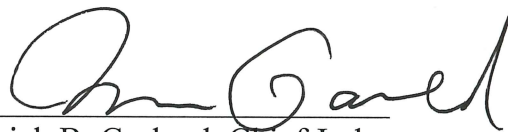
Before: GARLAND, *Chief Judge*.

ORDER

Upon consideration of the complaint herein, and the supplements thereto, 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: 8/1/2019

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.

A criminal case was assigned to the subject judge. The complainant is neither a party to nor an attorney in that case. According to the complainant, the misconduct “complaint concerns the impartial approach of [the subject judge] when appointing a public defender” in that underlying criminal case. The complainant further alleges that the “method of obtaining the guilty plea is not professional.” The complainant also filed two supplements to the complaint. Neither one alleges wrongdoing on the part of the subject judge, except to state that “circumstances of [the defendant’s] defense could be observed through due diligence of [the subject judge].”

Because the allegations regarding the subject judge’s “approach” to appointing the public defender and “method” of obtaining the guilty plea are completely unexplained, they “lack 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). Moreover, those allegations are “directly related to the merits of [] decision[s] or procedural ruling[s]” of the district court, namely, the appointment of counsel and the judge’s decision to accept the guilty plea. *Id.* Rule 11(c)(1)(B).

Accordingly, the misconduct complaint will be dismissed. *Id.* Rule 11(c)(1)(B), (D); *see* 28 U.S.C. § 352(b)(1)(A)(ii), (iii).¹

¹ Pursuant to 28 U.S.C. § 352(c) and Judicial-Conduct Proceedings 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 PROCEEDINGS RULE 18(b).