

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90021

## 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: 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.

The complainant filed an initial 124-page complaint against 42 defendants, including a bank, judicial officers, clerks, lawyers, and individuals who were only identified by a first name or title. The complaint related to “Environmental and Systematic Racism, Trespass and Human Rights Violation-Degradation, rooted in the abolishment of Plaintiff’s Aborigine Lands and Property Titles.” The case was assigned to the subject judge, who directed the complainant to file an amended complaint not to exceed 40 pages. The complainant did so.

By minute order, the subject judge then instructed the complainant to file proof of service on each defendant or risk dismissal. After inspecting the affidavits, the judge concluded that the proof of service had failed to comply with the Federal Rules of Civil Procedure. Accordingly, the judge dismissed the case without prejudice.

Thereafter, the complainant filed motions for reconsideration, contending that she had since effectuated service and including as proof “a few dozen affidavits attesting that summonses [had] been sent, via certified mail, to each Defendant.” The subject judge denied the motion for reconsideration, finding that, because the complainant did not show that the certified mail had been received, she still had not established proof of service.

The judge noted that, “[u]nder the Federal Rules of Civil Procedure, a plaintiff effectuates service by ‘following state law for serving a summons . . . in the state where the district court is located or where service is made.’” The judge determined that all of the relevant states required proof not just “that the certified mail was sent,” but that it was “received,” which the judge found that the complainant’s evidence did not establish. Concluding that the complainant had “still not complied with any of the relevant laws for serving process,” and that “[p]roper service of process is a prerequisite to the Court’s exercise of personal jurisdiction,” the judge dismissed the motions for reconsideration.

The complainant then filed the instant judicial misconduct complaint against the subject judge. The crux of her allegations appears to be that the judge’s “faulty orders not on the merits” were “based on personal judicial bias.” In support, she alleges that the judge’s actions were a “deliberate repeated failure to abide by the Federal Rules of Civil Procedure,” that he “disregarded proof of perfected service,” and that he erroneously misconstrued her motions for reconsideration.

The portion of the complaint alleging that the judge issued “faulty orders,” failed to follow the Federal Rules, disregarded her proof of service, and improperly interpreted her motions will be dismissed because those allegations are “directly related to the merits of a decision or procedural ruling” of the district court, namely, the dismissal of the complaint and the denials of the motions for reconsideration. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE

11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

The portion of the complaint alleging that the judge was biased will also be dismissed. The complaint does not cite, identify, or reference any evidence in support of the allegations of bias by the subject judge. Nor can bias be shown merely by “call[ing] into question the merits” of the judge’s decisions. JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1). Accordingly, because this portion of the complaint “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” it will also be dismissed. *Id.* 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 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).