

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90025

## A Charge of Judicial Misconduct or Disability

Before: GARLAND, *Chief Judge*.

### ORDER

Upon consideration of the complaint herein, and the supplement 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: 8/27/19

**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, a defendant in a criminal case pending before the subject judge, was charged with: 1) impersonating a foreign diplomat, consul, or officer, in violation of 18 U.S. § 915; 2) remaining on diplomatic, consular, or official property without authority, in violation of 18 U.S. C. § 970(b)(2); and 3) contempt, in violation of D.C. Code § 23-1329. After several competency hearings, the subject judge determined that the complainant was competent to stand trial, but that she was not competent to represent herself at trial. Accordingly, the judge appointed counsel to represent the complainant.

The complainant has now filed a judicial misconduct complaint against the subject judge stemming from this litigation. The complainant alleges that the “complaint is the basis of ineffective judicial conduct and not based on the Judge[']s personal conduct as a person.” She further asserts that the subject judge’s decision to hold a competency exam was “erroring the law” and that her “diplomatic immunity needs to be honored and the case dismissed.” She also alleges that her defense has been hampered because the subject judge has not allowed an embassy attorney to assist with the case, thereby violating “the Civil Rights Act . . . and the Vienna Convention on Diplomatic Relations.”

In a supplement to the complaint, the complainant reiterates her objections to the subject judge's appointment of counsel and his refusal to allow complainant the counsel of her choice. She further asserts that "[t]he judge has proven his unprofessionalism, unethical behavior, his discrimination on the basis of sex (I am a female qadi-Judge in my country), national origin (I am from Saudi Arabia), race (I am middle eastern-other), religion (I am Hanafa Muslim), color (I am multicolored), marital status (I am married to the Crown Prince of my country of whom a lot of people disfavor)." She also alleges that the judge "is using and delaying the case with process of competency of which has caused a prejudice and [bias] in the case" and that his "personal opinion is not allowing him to follow the law."

The allegations that the judge improperly held a competency hearing, failed to dismiss the case, violated the Vienna Convention, and refused to appoint counsel of the complainant's choice "call[] into question the correctness of [the subject judge's] ruling[s]," JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 4(b)(1). Such allegations do not constitute "[c]ognizable misconduct" under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.*; *see* 28 U.S.C. § 352(b)(1)(A)(ii). Nor, without more, does the "allegation about delay" in the complainant's individual case. JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(2).

The allegations that the judge was biased or discriminated against the complainant do not cite, identify, or reference any evidence to support those allegations. Bias cannot

be shown merely by “call[ing] into question the merits” of the judge’s decisions.

JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1).

Accordingly, because the misconduct complaint “is directly related to the merits of a decision or procedural ruling” and “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” it will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B), (D); *see* 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).