

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90036

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: 2/5/20

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 a civil suit against the United States, the Department of Justice, and the Federal Bureau of Investigation (FBI), which was assigned to the subject judge. Because the complainant listed a Post Office box as her address, which under Local Civil Rule 5.1(c) is permitted only with leave of court, the judge directed the complainant either to list her full address or to file a motion setting forth her reasons for using a Post Office box. The complainant filed the required motion, and the judge proceeded to evaluate the complainant's case.

The subject judge ultimately dismissed the complainant's case for failure to comply with Federal Rule of Civil Procedure 8(a), which requires a complaint to contain, inter alia, "short and plain statements" of "the grounds for the court's jurisdiction" and of "the claim showing that the pleader is entitled to relief." The judge found that the complainant's allegations were "vague at best." They consisted, he said, of "rambling allegations [of] . . . 'public corruption among the Glynn County Georgia Police Department, the City of Brunswick Police Department, and the Georgia Department of Public Safety,'" and charged that the defendants "engaged in a vast conspiracy 'through orchestrated collusion, fraud, conspiracies, and extortion.'" Concluding that "the actual

causes of action, if any, are completely undefined,” the judge determined that the complainant’s “[c]omplaint, as pled, fails to provide any notice of a claim or any basis of federal court jurisdiction.”

The complainant has now filed a judicial misconduct complaint against the subject judge stemming from this litigation. The complainant alleges that the “federal court seemed to be troubled by Plaintiff’s use of a temporary post office box, which [the judge] engage in bias [sic].” She further alleges that her “case has been opinionated and dismissed in frauds upon the federal court,” that there were “conflicts of interest,” and that she filed the instant misconduct complaint “[d]ue to extreme bias.”

To the extent the complainant alleges that the subject judge acted improperly in resolving the issue of the use of a Post Office box, that allegation “calls into question the correctness of [the] ruling,” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 4(b)(1), and does 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). None of the other allegations cite, identify, or reference any evidence to support them. 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 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).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).