

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-20-90003


Before: Srinivasan, 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).



Sri Srinivasan, Chief Judge

Date: 6/5/20

**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 was convicted of conspiracy and related crimes arising from fraudulent real estate transactions. He was sentenced to 72 months of imprisonment and 60 months of supervised release. The complainant appealed his conviction and his sentence, both of which were affirmed. The complainant then filed a motion to vacate under 28 U.S.C. § 2255, alleging ineffective assistance by both his trial and his appellate attorneys. Several months later, the complainant filed a motion to appoint public defender and a motion to recuse and disqualify the subject judge. The subject judge granted leave to file both of these motions.

In the motion to disqualify, the complainant claimed that “[s]everal decisions and rulings, both explicit and implicit, . . . underscore the Court’s personal bias towards the [d]efendant.” The subject judge denied the motion to disqualify, concluding that the bias allegations “do not have merit because the undersigned has no personal bias against the defendant, nor were any of the Court’s rulings influenced by bias, but rather were based on an objective assessment of the Court’s understanding of governing legal principles.” The complainant appealed the order and filed a petition for writ of mandamus. The court of appeals denied the petition, determining that the complainant had “not shown any basis for finding that the district court judge has any personal bias or that the judge’s impartiality might

be reasonably questioned.” The complainant then filed in the district court a motion to appoint counsel and to reverse conviction, a motion for order to implement judgment of acquittal, and several letters, all of which the subject judge granted leave to file. Those motions and letters remain pending before the subject judge.

The complainant has now filed a judicial misconduct complaint against the subject judge asserting that the judge failed to recuse himself and failed to appoint counsel for the complainant. Specifically, the complainant alleges that, despite having “executed the Disqualification Order” and having “granted leave of court to appoint legal counsel,” the subject judge has “failed to implement” the disqualification order or appoint counsel. The complainant further asserts that, in denying the motion to recuse, “the Court also relied on a matter stemming from and outside the Court’s jurisdiction having no relevance to the case at bar.”

To the extent the complainant is alleging that the subject judge improperly denied the motion for disqualification, that allegation “calls into question the correctness of [the] judge’s ruling.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(1). Such an allegation 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).

To the extent the complainant is asserting that the subject judge failed to “implement” the disqualification order or appoint counsel, this allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D). The complainant appears to have confused the judge’s grant of leave to file the motion for disqualification and the motion for counsel with ultimate action taken on the motions

themselves. While the judge did allow the motions to be filed, he did not grant the motions themselves. The motion for disqualification was denied and the motion for counsel remains pending.

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).