

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-20-90022


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: 9/22/20

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, a resident of Ontario, Canada, sued the U.S. Attorney General, the U.S. House of Representatives Democratic Caucus, the U.S. Senate Democratic Caucus, the U.S. House of Representatives Republican Conference, and the U.S. Senate Republican Conference. Specifically, the complainant alleged that “floor-crossing,” or the changing of party allegiance, is a criminal act and constitutes systematic discrimination against black men. The subject judge ordered the complainant to either pay the court’s civil action filing fee or file an amended *in forma pauperis* application because the initial application was deemed insufficient. After complainant filed an amended application, the judge granted the amended application and dismissed the complaint without prejudice, finding that the complainant lacked standing and the court lacked subject matter jurisdiction. The complainant noticed an appeal of the dismissal order and that appeal remains pending.

The complainant then filed a judicial misconduct complaint against the subject judge alleging “6 counts of anti-black racism misconduct.” Specifically, the complaint alleges:

- a. Poor financial management negative stereotypes about blacks by fraudulent concealment of Civil Rights Act “General Importance” Forma Pauperis Application so as to unnecessarily expose black impecuniosity....
- b. Racist and insensitive to discrimination against white negative stereotypes about blacks by articulating the allegation that democratic floor-crossing discriminates

- against blacks but fraudulent concealment of the allegation that republican floor-crossing discriminates against white males....
- c. Blacks are not as intelligent as whites negative stereotypes about blacks by falsely stating that appellant asked the court to order Congress to pass a floor-crossing law....
 - d. Inciting hate crimes against appellant by alleging that he seeks to jail an innocent white man for systemic discrimination against blacks....
 - e. Perpetuate less access to justice and less access to economic power to hire lawyers black slave trade pre-existing disadvantages by fraudulent concealment of Civil Rights Act....
 - f. A 6th injury is the irreparable prejudice from filing DOJ's statement of defence [sic] (court legal advice), without serving the defendants, without prior notice of alleged dismissal grounds to parties, without allowing defendants to take a position on the legality of floor-crossing or constitutionality of caucus rules.

Complaint at 2-3.

To the extent the complainant is challenging the subject judge's order directing him to file an amended *in forma pauperis* application, the judge's characterization of the complaint, or the dismissal of the complaint without a response from the defendants, the complaint "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 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).

Furthermore, to the extent the complaint is alleging that the subject judge acted in a racially motivated manner, the complaint does not cite, identify, or reference any evidence to support the allegations. As a result, the allegations of racial animus lack "sufficient evidence to raise an inference that misconduct has occurred." JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, because the allegations are “directly related to the merits of a decision or procedural ruling,” and are “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” the complaint must 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).