

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-20-90025

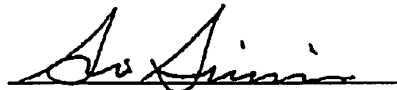
Before: Srinivasan, Chief Judge

**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: 12/28/20

No. DC-20-90025

**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 litigant with multiple cases before the subject judge, alleges that the subject judge committed seven instances of “(1) errors of omission, (2) errors of commission, and to include (3) ad hominem attack.” More specifically, the complainant asserts that the subject judge refused to rule on three of his cases. He further alleges that, in a fourth case, the subject judge erroneously dismissed a complaint “[d]espite such Exhibit proof cited in the Complaint.” The complainant also claims that, in two additional cases, the subject judge engaged in ad hominem attacks when the judge stated that the complainant’s complaints were “rambling,” and “comprised of jumbled anecdotes and overbroad allegations,” and when the judge stated that he interpreted the complaint “to the extent intelligible.” Lastly, the complainant argues that the subject judge “effectively ordered [the complainant’s] arrest when he required . . . [the complainant] to provide reasons why the case should not be transferred.”

First, the complainant’s assertion that the subject judge improperly refused to rule on three of his cases is without merit. “Cognizable misconduct does not include an

allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(2). Not only does the complainant make no allegation of an improper motive in delaying the three cases, but the cursory reference to delay in those cases is also too conclusory to support any finding of misconduct.

Second, to the extent the complainant is alleging that the subject judge erroneously dismissed one of his cases and improperly ordered him to show cause why another case should not be transferred, those allegations “call[] into question the correctness of [the] judge’s ruling[s].” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1). The judge’s dismissal of a complaint or issuance of an order to show cause 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).

Finally, as to the allegation that the subject judge used language in his decisions that amounted to an improper “ad hominem” attack on the complainant, the Judicial Conference has explained that, “[b]ecause of the special need to protect judges’ independence in deciding what to say in an opinion or ruling,” if a judge’s “language was relevant to the case at hand – for example, a statement that a claim is legally or factually ‘frivolous’ – then the judge’s choice of language is presumptively merits-related and excluded, absent evidence apart from the ruling itself suggesting an

improper motive.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4 Commentary at ¶ 15. As there is no evidence suggesting an improper motive (other than the complainant’s conclusory assertion that the subject judge’s behavior is “an admission against interest of bias, de facto racism, if not supremacism”), the subject judge’s descriptions of the underlying claims are “directly related to the merits” of the dismissal of the cases and therefore do not constitute “cognizable misconduct.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1).

Accordingly, because all of the complainant’s allegations do not constitute “[c]ognizable misconduct” and are “directly related to the merits of a decision or procedural ruling,” the complaint is dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); see 28 U.S.C. § 352(b)(1)(A)(ii).<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).