

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-20-90026

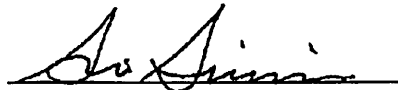
Before: Srinivasan, Chief Judge

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

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 an action against various federal government agencies and three officials in the federal government. The complainant asserted that the defendants conspired with a “multi-jurisdictional drug task force” to deprive him of his property when his marijuana plants were seized. The complainant brought thirteen claims alleging violations of various statutes and the U.S. Constitution, and seeking injunctive, declaratory, and mandamus relief pursuant to federal and state mandamus statutes. The subject judge dismissed the complaint, finding that the claims were barred by sovereign immunity or the statute of limitations, and that the complainant had failed to plead that he was entitled to declaratory, injunctive, or mandamus relief. The complainant noted an appeal of the dismissal order and subsequently sought reconsideration of the dismissal order and to recuse the subject judge. The appeal was held in abeyance pending the disposition of the motion for reconsideration and the motion to recuse. The subject judge then denied both the motion for reconsideration and the motion to recuse. Thereafter, the Court of Appeals affirmed the subject judge’s orders dismissing the complaint and denying reconsideration.

The complainant has now filed a judicial misconduct complaint against the subject judge, alleging that the judge “made new arguments for the federal government, allowed the federal government to represent employees charged in the complaint individually, and ignored petition for review procedures and other legal arguments. After I filed a motion pointing that out [the subject judge] made new arguments for the federal government again.” It appears that the complainant is challenging the subject judge’s rulings dismissing the complaint and denying the motions for reconsideration and to recuse. These allegations, however, “call[] into question the correctness of [the] 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). Accordingly, because the allegations are “directly related to the merits of a decision or procedural ruling,” the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).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).