

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-20-90027  
No. DC-20-90028  
No. DC-20-90029  
No. DC-20-90030

Before: Henderson, Circuit Judge\*

**ORDER**

Upon consideration of the complaint herein, filed against four judges of the United States Court of Appeals for the District of Columbia Circuit, it is

**ORDERED** that the complaint be dismissed for the reasons stated in the attached Memorandum.

The Circuit Executive is directed to send a copy of this Order and accompanying Memorandum to the complainant, the subject judges, 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 11(g)(2).



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Karen LeCraft Henderson, Circuit Judge  
District of Columbia Circuit

Date: 12/29/20

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\* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

Nos. DC-20-90027, et al.

## MEMORANDUM

Complainant has filed a complaint of judicial misconduct against four judges of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the misconduct complaint will be dismissed.

The misconduct complaint consists, in its entirety, of the court's standard judicial misconduct complaint form, a copy of the docket in a matter previously before this court in which complainant unsuccessfully sought to participate as amicus, a copy of an amicus brief that complainant lodged in that matter which the court denied leave to file, and an email containing a newspaper editorial. The complaint contains no statement of facts and does not allege any particular instances of misconduct on the part of any of the subject judges.

Insofar as the misconduct complaint is based on decisions or rulings the subject judges have made in connection with the matter in which complainant sought to participate, such claims "are directly related to the merits of a decision or procedural ruling," and are thus not proper grounds for a finding of judicial misconduct. See JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(B); 28

U.S.C. § 352(b)(1)(A)(ii). No other ground for a finding of judicial misconduct is evident in the misconduct complaint. The misconduct complaint will therefore be dismissed.<sup>1</sup>

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<sup>1</sup> Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY 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 of the date of the dismissal order. *Id.* Rule 18(b).