

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-20-90033
No. DC-20-90034
No. DC-20-90035
No. DC-20-90036
No. DC-20-90037
No. DC-20-90038
No. DC-20-90039

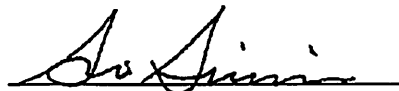
Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against 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 copies 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 (2019), RULE 11(g)(2).


Sri Srinivasan, Chief Judge

Date: 12/28/20

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MEMORANDUM

The complainant has filed complaints of judicial misconduct against seven judges of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the misconduct complaints will be dismissed.

The complainant, a Washington State prisoner, has filed numerous frivolous lawsuits in federal court. In 1994 he was enjoined from filing further actions in the District Court unless he first sought leave of the court and met certain filing requirements. The Court of Appeals determined that the complainant was barred from proceeding *in forma pauperis* under the “three strikes” provision of the Prison Litigation Reform Act, and repeatedly denied the complainant’s requests for leave to proceed *in forma pauperis*.

The complainant has now filed a judicial misconduct and disability complaint against seven Court of Appeals judges. The complainant asserts that “over a long period of time” the subject judges have:

A: . . . [A]ct[ed] with deliberate indifference and reckless disregard for the ethics and canons of judicial misconduct, and of neglect, inefficiency, and malfeasance in office.

B: . . . [D]efer[ed] and negat[ed] justice due to judicial disparity in the courts treatment of rich litigants vs poor litigants....

D: . . . [Demonstrated] racism, racial-profiling, acute and invidious discrimination, aiding and abetting in the obstruction of justice, and of engaging in conduct prejudicial to the effective and expeditious administration of the business of the courts.

E: . . . [Demonstrated] senility, loss of memory, ineptitude, and of succumbing to a mental or physical disability.

F: . . . [A]ccept[ed] bribes, and gifts, and of committing "treason" or warring against the U.S. Constitution an impeachable offense constituting a high crime or misdemeanor.

While asserting a list of allegations against the subject judges, the complainant has failed to provide any evidence supporting his allegations or demonstrating how the judges committed misconduct or the nature of their alleged disabilities. Moreover, subject judge No. DC-20-90039 never participated in any of the complainant's cases and the complainant has failed to provide a basis for the complaint against this subject judge. Thus, the complaint is entirely "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred," and will be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

In addition, the complaint proceeding against subject judge No. DC-20-90036 must be concluded because an intervening event, the subject judge's retirement from office, means that that subject judge is no longer a judge covered by the Rules. JUDICIAL-CONDUCT PROCEEDINGS RULES 11(e) Commentary ¶ 19 (Rule 11(e) "permits the chief judge to 'conclude the proceeding,' if 'action on the complaint is no longer necessary because

of intervening events,' such as a resignation from judicial office"); see *In re: Complaints Under the Judicial Conduct and Disability Act*, Nos. 10-18-90038 et al. (December 18, 2018) ("misconduct proceeding can be concluded because of 'intervening events,' namely, circumstances where an individual is no longer a covered judge"), *petit. for review denied* (March 15, 2019).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).