

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-20-90042

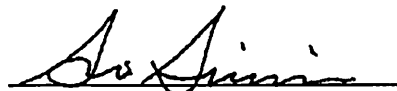
Before: Srinivasan, Chief Judge

**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-20-90042

**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 subject judge was assigned a criminal case. The complainant, who is not a party to the criminal case, filed a misconduct complaint against the subject judge challenging the judge's handling of the case. The complainant asserts that the subject committed misconduct by:

1. Her reckless disregard of a defendant's constitutional right to a fair and impartial jury;
2. Flagrantly stacking the jury with political opponents against a defendant;
3. LAUGHING when the defendant's attorneys complained about the stacked jury.
4. Attempting to throw two journalists "in jail" for reporting on all the above;
5. Suppressing a defendant's evidence;
6. And suspiciously presiding over a myriad of anti-Trump cases which "give the appearance" of a conspiracy.

As to the first four allegations that pertain to jury selection, the complainant further claims that the subject judge improperly allowed a "conservative" juror to be struck from the jury pool while allowing three "liberal" jurors to be seated. The complainant also alleges that the subject judge improperly denied the defendant's motion for a new trial due to alleged misconduct and bias by the jury foreperson. She further claims that the subject judge improperly "issued a sealed order of contempt"

against two reporters who reported about the jury selection. All of these allegations go to the merits of the subject judge's rulings concerning jury selection and her denial of the motion for a new trial and, thus, these allegations "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).

To the extent the complainant claims that the subject judge suppressed evidence, this allegation also "calls into question the correctness of [the] judge's ruling[s]," JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1), and "lack[s] sufficient evidence to raise an inference that misconduct has occurred." *Id.* Rule 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Moreover, to the extent the complainant is challenging the number of cases of interest to the public that have been assigned to the subject judge, that allegation is also without merit. The subject judge has no role in selecting the cases assigned to her, as that is done "by the Clerk under the direction of the Calendar and Case Management Committee." Dist. Ct. LCvR 40.1(b). In addition, the District Court's Local Rules provide for the random assignment of cases. *See* Dist. Ct. LCvR 40.3(a) (detailing manner in which cases are assigned randomly). Thus, this allegation also "lack[s] sufficient evidence to raise an inference that misconduct has occurred."

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 will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B), (D); *see* 28 U.S.C. § 352(b)(1)(A)(ii), (iii).<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).