

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-20-90046

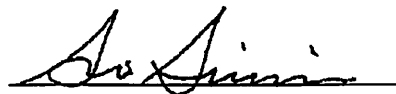
Before: Srinivasan, Chief Judge

**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-20-90046

**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 a civil suit alleging that the defendants engaged in a conspiracy and that a federal law enforcement agency was aware of wrongdoing by both federal and state actors and failed to take any action. The subject judge had before him the complainant's motion to use a P.O. Box for her address and her application for leave to proceed in forma pauperis. The subject judge: granted the motion for leave to proceed in forma pauperis; sua sponte dismissed the complaint without prejudice for failure to provide any notice of a claim or any basis for federal jurisdiction; and denied the motion to use a P.O. Box as moot. The complainant noted an appeal, which was ultimately dismissed for lack of prosecution.

The complainant has now filed a judicial misconduct complaint against the subject judge, asserting that:

After conducting research on [the subject judge], it was found; AF judge (African American) and has connections to the FBI as his wife is or was a DOJ employee! Assign a judge to my case and warn the clerk. [The subject judge] refused to assign my case to a judge and need[s] to be investigated! He has a conflict with his wife's friends rather than allow the court to have a hearing on the merits of my case! This is a white collar crime!

To the extent the complainant claims that the subject judge was biased in favor of the defendants, the complainant has failed to provide any support for this claim other than her assertion that the judge's wife "is or was a DOJ employee." Even if taken as true, the allegation as stated "lack[s] sufficient evidence to raise an inference that misconduct has occurred." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(D).

Moreover, to the extent the complainant is arguing that the subject judge failed to assign her case to a judge, the complainant misperceives the procedural posture of her case. The complainant is correct that the docket reflects that the case was "unassigned." Pursuant to the District Court's practices, however, a case is assigned only after a fee has been paid or an application for leave to proceed in forma pauperis has been granted. While the subject judge granted the application to proceed in forma pauperis, because the case was dismissed at the same time, no further assignment was necessary. Furthermore, it is the Clerk of Court who effectuates the assignment of cases, not the judge. See District Court LCvR 40.3(a).

Accordingly, because the complaint is “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” it will be dismissed.

JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(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).