

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-20-90055

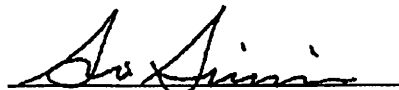
Before: Srinivasan, Chief Judge

**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: 5/25/21

**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 complaint in district court against an agency and Administrative Law Judge; a federal Court of Appeals, including the Chief Judge, “all en banc Judges” and the Clerk of the Court; and the Supreme Court and a staff member. The complaint alleged constitutional violations and sought monetary damages. The subject judge granted the complainant’s motion for leave to proceed in forma pauperis (IFP) and *sua sponte* dismissed the complaint without prejudice under 28 U.S.C. §§ 1915(e)(2)(B)(iii), because the complaint sought “monetary relief against [] defendant[s] who [are] immune from such relief.” The subject judge explained that judges and court staff are immune from damage suits relating to judicial actions and that constitutional tort claims against the government and its agencies are barred by sovereign immunity. Nearly three months later, the complainant submitted an amended complaint which the subject judge denied leave to file, stating that the case was dismissed.

The complainant then filed a motion to proceed IFP and petition for writ of mandamus with the Court of Appeals, arguing that the subject judge’s failure to docket his amended complaint violated his First Amendment rights. The Court of Appeals granted the motion to proceed IFP and denied the mandamus petition. The Court of Appeals determined that the complainant had not shown a clear and indisputable right to mandamus relief. The court further noted that granting the complainant leave to file the specific complaint would be futile

because the amended complaint sought monetary damages from defendants, all of whom were immune from suit. Furthermore, to the extent the complainant sought to amend his complaint to allege that agency counsel engaged in some wide-ranging conspiracy, the Court of Appeals found that claim frivolous. The complainant subsequently sought rehearing and rehearing en banc, both of which were denied.

The complainant has now filed the instant judicial misconduct complaint against the subject judge. The complainant asserts that the subject judge “is a part of the conspiracy to commit and cover up Fraud.” The complaint further notes that, “[w]hen the entire higher archy [sp] the Justice Dept. says there is no jurisdiction, . . . it clearly shows conspiracy to cover up Fraud.” Complainant’s assertion that the subject judge conspired with the defendant agency, a federal Court of Appeals, and the Supreme Court, however, lacks support other than the complainant’s own beliefs. Thus, this complaint is “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).<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).