

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-21-90007

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: 5/27/21

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.

A defendant was charged with entering a restricted building or grounds in violation of 18 U.S.C. § 1752(a)(1) and violent entry or disorderly conduct in violation of 40 U.S.C. § 5104(e)(2), as a result of her alleged actions at the United States Capitol on January 6, 2021. After preliminary proceedings were handled by magistrate judges, the case was assigned to the subject judge. The defendant, who was on pretrial release following her arrest, moved the district court for permission to travel out of the country for a planned and prepaid work retreat. The subject judge granted the motion, noting that neither the defendant's Pretrial Service Officer nor the government opposed the request, and that, because the defendant had no criminal history, there was no evidence suggesting that the defendant was a flight risk or posed a danger to others.

The complainant, who is not a party to the criminal case, has now filed a judicial misconduct complaint against the subject judge. The complaint asserts that the subject judge's decision to allow the defendant to travel "trivializes the actions of those who took part in storming the Capitol which resulted in the death of Officer Sicknick" and fails "to recognize [how the defendant's] disregard for the law puts others in danger." The complaint further claims that the subject judge's decision "fail[s] to protect the public from the spread of Covid by ignoring CDC Guidelines and allowing [the defendant] to travel [internationally]."

The complainant's assertions are a direct challenge to the subject judge's decision to allow the defendant to travel internationally, and thus "call[] into question the correctness of [the] judge's ruling." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(1). Such an allegation about the merits of a judge's decision does not involve "[c]ognizable misconduct" under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.*; see 28 U.S.C. § 352(b)(1)(A)(ii). The allegations therefore "lack sufficient evidence to raise an inference that misconduct has occurred," and the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); see 28 U.S.C. § 352(b)(1)(A)(iii).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).