

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-21-90021

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: 12/16/21

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 civil suit in district court alleging a conspiracy among a Michigan Probate Judge, other Michigan court personnel, and certain individuals, to harm the complainant and to interfere with the complainant's inheritance of his mother's estate. The subject judge granted the complainant's application for leave to proceed *in forma pauperis* but dismissed the complaint as frivolous. The subject judge determined that, "[i]n addition to failing to state a claim for relief or to establish jurisdiction before this court, the complaint is deemed frivolous on its face."

The complainant has now filed a misconduct complaint against the subject judge, asserting that the judge has "an evil, sadistic, and illegal improper motive to support his and friends . . . ideological beliefs." More specifically, the complainant alleges that the subject judge improperly refused to dismiss criminal charges in an unrelated case and wrongfully dismissed the complainant's lawsuit. These allegations, however, go to the merits of the subject judge's decisions in those cases. The allegations therefore 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 is asserting that the subject judge was biased or acted in a prejudicial manner, that claim must also be dismissed. The complainant has failed to provide any support for his allegation, other than his own beliefs, that the subject judge “show[ed] favoritism for his Democratic friend and colleague.” The allegation thus “lack[s] sufficient evidence to raise an inference that misconduct has occurred,” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D), and must also be dismissed.

Accordingly, because the complaint is “directly related to the merits of [the judge’s] decision[s],” and is “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).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).