

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-21-90059

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 complainants, 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: 2/17/22

MEMORANDUM

The complainants have 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 complainants are the plaintiffs in a case currently pending before the district court, but not before the subject judge. As relevant here, the complainants moved for leave to proceed in forma pauperis (“IFP”). Before receiving a decision on their IFP motion, the complainants filed an “Advisory to the Court” addressed to the subject judge, which reiterated their request to proceed IFP and accused the district court of intentionally delaying resolution of the motion. The motion to proceed IFP was granted by another district court judge, and the case was randomly assigned to a third district court judge.

The complainants have now filed the instant judicial misconduct complaint against the subject judge. The complainants appear to allege that the subject judge intentionally caused a delay in resolving their IFP motion by “manipulating established court procedures in order to affect the outcome” and by withholding the motion “from members of the [C]ourt at the direction of the judge in question.” The complainants further allege that the four-month delay in resolving the motion “implicitly acknowledges inattentiveness by [the subject judge’s] Court.” The complainants also assert that the subject judge’s “colleagues turned a blind eye” to information in the affidavit of indigence supporting the IFP motion, and that her “colleagues” improperly “venture[d]” into the complainants’ personal financial information. In addition, the complainants appear to accuse the subject judge of ignoring a judicial misconduct complaint

against an unnamed colleague, asserting that the subject judge has failed “to comply with the Complaint Process by her in-action and/or non-response” and “ignored her duty under Rule 5, to begin an appropriate inquiry into possible misconduct on the part of a covered judge.” The complainants assert that the subject judge’s actions were motivated by the subject judge’s personal “dislike[]” of them and that the judge has “expressed and exhibited bias and lack of impartiality concerning both complainants.”

As a preliminary matter, there is no evidence to suggest that the subject judge has had any involvement in connection with the complainants’ underlying case. The docket reflects that another district court judge, not the subject judge, handled the IFP motion. Moreover, the complainants’ allegations that the subject judge interfered in the case to their detriment, or somehow delayed the resolution of their IFP motion, are entirely unsubstantiated. The allegations thus “lack[] sufficient evidence to raise an inference that misconduct has occurred.” JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent that the complainants allege that unidentified “colleagues” improperly examined the complainants’ financial information and failed to consider information in their IFP motion, the complainants have not demonstrated that any cognizable misconduct occurred, let alone any misconduct attributable to the subject judge. Those allegations therefore “lack[] sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

With respect to the complainants' allegation that the subject judge ignored a judicial misconduct complaint, the present complaint lacks information about the timing, circumstances, or subject of the ostensibly ignored complaint and thus contains no basis for assessing whether the asserted misconduct occurred. To the extent the complainants are asserting that their "Advisory to the Court" was itself intended to be a misconduct complaint, that argument lacks merit given that the filing was not framed as a misconduct complaint and contains no apparent claim of judicial misconduct on the part of any particular judge. Moreover, the Judicial-Conduct Proceedings Rules provide that allegations of misconduct are to be considered by the Chief Judge of the Circuit, not by a judge of the district court. Thus, this allegation similarly "lack[s] sufficient evidence to raise an inference that misconduct has occurred." JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Finally, to the extent the complainants assert that the subject judge harbors a bias against them, the allegation lacks any support. Contrary to the complainants' assertion that "[n]o 'reasonable mind' could conclude that the subject judge is impartial," the allegation is supported by nothing more than the complainants' own evident beliefs. Therefore, like the other allegations, this allegation "lack[s] sufficient evidence" of misconduct.

Accordingly, because the complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred,” it will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUDICIAL-CONDUCT PROCEEDINGS RULE 18(a), the complainants 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).