

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint Nos. DC-21-90061  
DC-21-90062  
DC-21-90063

Before: Srinivasan, Chief Judge

**ORDER**

Upon consideration of the complaint herein, filed against three judges of the United States Court of Appeals for the District of Columbia Circuit, 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 judges, 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: March 14, 2022

No. DC-21-90061  
No. DC-21-90062  
No. DC-21-90063

### **MEMORANDUM**

The complainant has filed a complaint of judicial misconduct against three judges of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the misconduct complaint will be dismissed.

The complainant filed a pro se mandamus petition alleging that the district court had improperly returned unspecified legal documents to him. The mandamus petition asked the court of appeals to “send documents back down to lower courts” and “inform executive of courts of avoidance by courts and delay.” The court of appeals, by Clerk’s order, directed the complainant to pay the \$500 docketing fee or to file a motion for leave to proceed in forma pauperis (“IFP”) and submit a Prisoner Trust Account Report and Consent to Collection of Fees as required by the Prison Litigation Reform Act (“PLRA”) within 30 days, or face dismissal for lack of prosecution. The complainant instead filed an “objection,” which stated that he “again objects to PLRA and documents related” and cited Supreme Court decisions discussing the constitutional right of access to the courts in direct criminal appeals and habeas proceedings. The subject judges directed the complainant to comply with the court’s order and to pay the docketing fee or file an IFP motion and the PLRA submissions within 30 days, or else the case would be dismissed for lack of prosecution. The complainant filed a motion for reconsideration of the subject judges’ order but did not provide any of the required submissions to the court. The subject judges subsequently denied the motion for reconsideration and dismissed the case for lack of prosecution.

While the mandamus petition was pending, the complainant filed the instant misconduct complaint against the subject judges. The complainant asserts that “Article II misconduct and disability discrimination is shown and interference because documents should of never been stopped.” The complainant further alleges that the “documents [the court requested] are not required,” that his “documents should of never been ignored,” and that the judges “have not honored [his] documentation regarding declaration of poverty.”

The complainant appears to be challenging the court’s orders directing him to pay the filing fee or file an IFP motion and then denying reconsideration and dismissing the petition. Those allegations are a direct challenge to the subject judges’ orders, and thus “call[] into question the correctness of [the] judge[s]’ ruling[s].” JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(1). Such an allegation does 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). Accordingly, because the complaint “is directly related to the merits of [the judges’] decision[s],” the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).<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).