

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint Nos. DC-21-90065  
DC-21-90066  
DC-21-90067

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-21-90065  
No. DC-21-90066  
No. DC-21-90067

### **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 four pro se original mandamus petitions in the court of appeals. Because the complainant failed to pay the docketing fee or file a properly supported IFP motion in any of the cases, the complainant was ordered to pay the fees or submit a completed supporting affidavit, or else face dismissal. The complainant paid the docketing fee in the underlying case at issue here, and the case proceeded.

The complainant's mandamus petition appeared to request that the court of appeals review an order of the D.C. Superior Court dismissing for lack of jurisdiction an action he brought in that court concerning property in Wisconsin. The complainant later submitted an amended petition, as well as numerous supplements and motions. The subject judges denied the petition for a writ of mandamus on the ground that the complainant had failed to show that he had a "clear and indisputable" right to the relief requested. The court further noted that it lacked jurisdiction to review orders of the D.C. courts or state courts, or to consider in the first instance a case currently pending in a Wisconsin state court. The court also denied motions to transfer and consolidate that the complainant had filed, but the court granted, in part, a motion to seal the amended petition and supplement, as those filings discussed private information regarding the complainant's family members. Additional motions were dismissed as moot.

The complainant then filed the instant misconduct complaint against the three subject judges. The complainant asserts that their order denying his mandamus petition “does not bear Teste of Process” and does not bear their signatures, and thus “there is no way of knowing whether or not the Writ/Order was actually issued by the Justices.” He further alleges that the court’s order “gives no grounds, or valid truthful reasoning for denying my petition and motions.”

To the extent that the complainant is challenging the validity of the court’s order on the basis that it lacked signatures, that allegation is without merit. Pursuant to D.C. Circuit Rule 45(d), “Any order, judgment, or other court-issued document filed electronically without the original signature of a judge or authorized court personnel has the same force and effect as if the judge or clerk had signed a paper copy.” Thus, this allegation “lack[s] 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 the complainant is challenging the grounds for the court’s order and any lack of adequate explanation of those grounds, these allegations are a direct challenge to the judges’ order, and thus “call[] into question the correctness of [the] judge[s]’ ruling.” JUDICIAL-CONDUCT PROCEEDINGS 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).

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