

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint Nos. DC-21-90068

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a judge 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 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: March 14, 2022

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge 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 lawsuit in district court arising out of an incident involving the complainant's granddaughter. After the defendants waived service of process and requested 60 days to file a responsive pleading, the subject judge, who then served on the district court, granted the motion for extension of time. The complainant then filed a "motion for self-recusal," asserting that the subject judge's order extending the time to file responsive pleadings had delayed consideration of the case and favored the defendants. The subject judge denied the motion to recuse, noting that she had merely allowed the defendants the 60-day period to which they would have been entitled under the Federal Rules of Civil Procedure 4(d)(3). The complainant then filed numerous other motions, including additional motions to recuse. The subject judge ordered the complainant to show cause why her state law claims should not be dismissed for lack of subject matter jurisdiction, and administratively stayed consideration of the pending motions pending discharge of the order to show cause. The complainant responded to the order to show cause, but the case remained pending when the subject judge ceased serving on the district court upon her appointment to the court of appeals. The case was subsequently assigned to another district court judge, who dismissed the complaint in its entirety.

The complainant filed the instant judicial misconduct complaint against the subject judge, alleging that: the complainant had “requested the ‘Self-Recuse’” of the subject judge; “[e]ach motion was granted for the Defendants”; there was “[n]o [r]uling by [the subject judge]”; and the subject judge had “evidently ‘Self-Recused’ without appointing another Judicial Officer.” The complainant further asserts that the subject judge “made several hurdles for the plaintiff to overcome, and when she accomplished each one, [the subject judge] abandoned the case entirely.”

To the extent that the complainant is challenging the subject judge’s orders granting extensions of time, denying the motions for recusal, and administratively staying consideration of motions, those allegations are a direct challenge to the judge’s 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 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 alleging that the subject judge committed misconduct by unduly delaying consideration of the case, that allegation also is without merit.

“Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(2). The complainant does not allege an improper motive in delaying consideration of the case or habitual delay in unrelated cases.

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).