

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

No. DC-22-90005

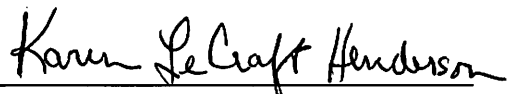
Before: Henderson, Circuit Judge*

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 a copy 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).



Karen LeCraft Henderson, Circuit Judge

Date: 5/18/22

* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

MEMORANDUM

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.

Complainant alleges that the subject judge committed errors of law in dismissing his previous misconduct complaint against the district court judge that presided over his workplace discrimination lawsuit. In the previous misconduct complaint, complainant asserted that the district court judge had misapplied the relevant law, failed to consider important evidence, deprived complainant of an opportunity to present complainant's case at trial, improperly granted extensions of time for the opposing party, and ultimately erred in dismissing the complaint. The present subject judge dismissed the prior misconduct complaint on the ground that it was directly related to the merits of a judicial decision, and thus presented no proper ground for a finding of judicial misconduct. In the present misconduct complaint, complainant accuses the subject judge of doing "nothing more than reflect[ing] the identical mistakes that [the district court judge] made" in disposing of the district court matter.

Claims that are "directly related to the merits of a decision or procedural ruling" are not proper grounds for a finding of judicial misconduct. See JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii). Because all of the assertions in the present judicial misconduct complaint

are directly related to the merits of the subject judge's disposition of the previous misconduct complaint, the present complaint will be dismissed.*

* Pursuant to 28 U.S.C. § 352(c) and JUDICIAL-CONDUCT PROCEEDINGS RULE 18(a), 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 of the date of the dismissal order. JUDICIAL-CONDUCT PROCEEDINGS RULE 18(b).