

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint Nos. DC-22-90030
DC-22-90031
DC-22-90032
DC-22-90033
DC-22-90034
DC-22-90035

Before: Wilkins, Circuit Judge*

ORDER

Upon consideration of the complaints herein, filed against six judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia, it is

ORDERED that the complaints be dismissed for the reasons stated in the attached Memorandum. It is

FURTHER ORDERED that complainant show cause why he should not be enjoined from filing further repetitive, conclusory, and frivolous complaints of judicial misconduct against judges of this Circuit. See JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 10(a). Complainant is directed to file an answer with the Circuit Executive within 30 days of the date of this order. Failure to respond to this order will result in complainant being so enjoined.

The Circuit Executive is directed to send a copy 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).

Date: 12/8/22


Robert L. Wilkins, Circuit Judge

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

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MEMORANDUM

Complainant has filed complaints of judicial misconduct against six judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia. For the following reasons, the misconduct complaints will be dismissed.

Complainant previously filed a judicial misconduct complaint against the district court judge that is currently presiding over a lawsuit he filed. That prior misconduct complaint was dismissed 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.

Complainant then filed a judicial misconduct complaint against the United States Court of Appeals judge who handled his first misconduct complaint. Complainant accused the subject judge of failing to conduct an adequate review of the evidence in the prior misconduct matter, improperly delaying the resolution of that matter, misinterpreting the substance of the prior misconduct complaint, and incorrectly applying the relevant rules and statutes in resolving the prior misconduct matter. Complainant also alleged that the subject judge was biased against him in resolving the prior misconduct matter because the subject judge serves on the Judicial Council with the district court judge who was the subject of the prior misconduct complaint. This second misconduct complaint was dismissed on the grounds that it was directly related to the merits of a judicial decision and

thus presented no proper ground for a finding of judicial misconduct, and otherwise failed to establish bias or misconduct on the part of the subject judge in that judge's handling of the first misconduct matter.

Complainant next filed judicial misconduct complaints against six of the judges who served on the Judicial Council that denied his petition for review of the dismissal of his first misconduct complaint. Those misconduct complaints were essentially identical to each other and also to complainant's prior misconduct complaint against the judge who handled his first misconduct complaint, and they were likewise dismissed on the grounds that they were directly related to the merits of a judicial decision and thus presented no proper ground for a finding of judicial misconduct, and otherwise failed to establish bias or misconduct on the part of the subject judges.

Complainant has now filed judicial misconduct complaints against the judge who dismissed his second and third misconduct complaints, as well as five of the judges who served on the Judicial Council that denied his petitions for review in those matters. Complainant alleges that the subject judges have engaged in conduct that is "prejudicial to the effective and expeditious administration of the business of the courts" and involves "treating litigants . . . in a demonstrably egregious and hostile manner." Compl. at 3 (quoting JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(a)(2)(B)). Complainant does not, however, identify any way in which the subject judges treated him in an "egregious and hostile manner," and this allegation thus lacks sufficient evidence to "raise an inference that misconduct has occurred." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D).

Complainant further alleges that the subject judges, in disposing of his previous misconduct complaints and petitions for review, committed legal errors and exhibited bias against him. Insofar as complainant challenges the subject judges' disposition of his prior misconduct matters, such allegations are "directly related to the merits of a decision or procedural ruling" and are thus not proper grounds for a finding of judicial misconduct. See JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rules 4(b)(1) and 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii). Insofar as complainant alleges bias on the part of the subject judges, his allegations "lack sufficient evidence to raise an inference that misconduct has occurred." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

The present complaints will therefore 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).