

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-22-90008

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a judge of the United States District Court for the District of Columbia, 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: January 10, 2023

MEMORANDUM

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

The complainant was injured while working as a teacher at a District of Columbia public school. She was granted disability benefits under the D.C. Office of Risk Management Disability Compensation Program. The complainant's benefits were terminated after she underwent an independent medical examination. The complainant challenged the termination of her benefits. The ALJ concluded that the complainant's "work-injury has resolved," and that "she [was] capable of returning to her pre-injury employment." The complainant appealed the ALJ's order to the District's Compensation Review Board, which upheld the ALJ's decision. The complainant appealed that order to the District of Columbia Court of Appeals ("DCCA"). The DCCA summarily affirmed.

The complainant then sued both the District of Columbia and the evaluating physician, alleging medical malpractice. The district court dismissed the complaint for lack of subject matter jurisdiction. The complainant then filed a second lawsuit in the district court, reiterating her medical malpractice claim and alleging violations of the Constitution and federal statutes. The district court dismissed the complaint, concluding that the complainant had failed to effect proper service on the District of Columbia and that her claims against the evaluating physician were barred by the statute of limitations. The Court of Appeals summarily affirmed.

The complainant then filed the underlying action at issue in this complaint against the District of Columbia, the D.C. Attorney General, and the D.C. Office of Risk Management, seeking damages of “ten thousand dollars . . . per day for each day that treatment was denied beginning on May 3, 2002.” The District of Columbia moved to dismiss the complaint, and the subject judge granted the motion. The subject judge characterized the complaint as “somewhat scattershot and unclear,” but construed it as containing causes of action for negligence, violations of workers’ compensation laws, deprivation of civil rights under 42 U.S.C. § 1983, and violations of other federal statutes. The judge concluded that the complainant’s negligence claim was barred by the statute of limitations, that her claims related to workers’ compensation were barred by *res judicata*, that she failed to allege a predicate constitutional violation which could give rise to liability under § 1983, and that she had not explained her entitlement to relief under any of the other federal statutes cited in the complaint. The complainant appealed, and the Court of Appeals granted the District of Columbia’s motion for summary affirmance.

The complainant has now filed the instant misconduct complaint against the subject judge. It appears that the complainant seeks to challenge the subject judge’s dismissal of her complaint. The complainant quotes from the subject judge’s memorandum opinion where the judge noted that the complainant had been evaluated by a physician and that the doctor’s report “allegedly resulted in plaintiff’s benefits being terminated a second time.” The complainant then quotes another section of the opinion which stated: “The issue in [the ALJ] proceeding was the ‘nature and extent of [c]laimant’s disability’, and the ALJ concluded that

‘claimant’s work injury has resolved’ after she received extensive medical treatment, and that ‘she [was] capable of returning to her pre-injury employment.’” The complaint, however, contains no explanation of how the quoted statements are suggestive of any judicial misconduct.

To the extent that the complainant is challenging the subject judge’s dismissal of her complaint, that allegation is a direct challenge to the judge’s decision, and thus “calls into question the correctness of [the] judge[’s] ruling.” 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). Accordingly, because the complaint is “directly related to the merits of a decision or procedural ruling,” it will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B), (D); *see* 28 U.S.C. § 352(b)(1)(A)(ii).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).