

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-22-90011

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).

A handwritten signature in blue ink, appearing to read 'Sri Srinivasan', is written over a horizontal line.

Sri Srinivasan, Chief Judge

Date: January 11, 2023

MEMORANDUM

The complainants have 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 complainants filed three civil actions in the district court that were assigned to the subject judge. After the judge dismissed the complainants' first case for lack of jurisdiction, the complainants filed a misconduct complaint against him. On February 2, 2015, that misconduct complaint was dismissed. *See* No. DC-14-90030. Thereafter, the complainants filed two more civil actions in the district court, which were also assigned to the subject judge. The judge denied the complainants' motions to recuse him in those two cases. The subject judge dismissed one of those actions for lack of subject matter jurisdiction and the other for failure to state a claim upon which relief could be granted. The complainants then filed a second judicial misconduct complaint raising allegations related to all three of the actions. On October 9, 2015, the second misconduct complaint was dismissed. *See* No. DC-15-90021.

The complainants have now filed their third judicial misconduct complaint relating to those same three civil actions.¹ As they alleged in their prior two complaints, the complainants

¹ As this is the third judicial misconduct complaint that the complainants have filed arising out of the same set of underlying cases and challenging many of the same issues, the complainants are cautioned that the filing of additional complaints raising the same issues arising out of the same set of circumstances can result in the imposition of restrictions against the bringing of further complaints. *See* JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 10(a).

generally assert that the subject judge “routinely rules based on personal bias rather than the letter of the law.” As was also the case with the previous two complaints, this aspect of the instant complaint 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).

As to the first underlying action, the complainants assert that the subject judge either negligently or purposefully disregarded one of the complainant’s privacy interests by allowing pleadings that referenced medical records to remain on the public docket for “six years.” But while the subject judge initially declined the complainants’ motion to seal medical records in that case, that ruling was reversed on appeal and the subject judge then sealed the amended complaint and exhibits and the exhibit to the original complaint. Moreover, upon the complainants’ subsequent request that the subject judge also seal the original complaint in its entirety, the judge granted the motion “out of an abundance of caution” to ensure that all descriptions of disability were also redacted. On appeal the Court of Appeals sustained that decision. Thus, the complainants have failed to demonstrate that the subject judge’s actions concerning sealing of court records raised an inference that misconduct occurred. *See* JUDICIAL-CONDUCT RULE 11(c)(1)(D).

The complainants further allege that, in the first underlying action, the subject judge “restrict[ed their] access to the court system by issuing minute orders which provided limited explanation for judicial decisions” and failed to send them the minute orders in a timely fashion. The use of minute orders containing limited explanation does not constitute an

improper restriction of a party's access to the courts, and the transmittal of orders to the parties is the responsibility of the Clerk of Court and not the judge. Accordingly, these claims also lack any evidence to demonstrate that judicial misconduct has occurred. *Id.*

As to the second underlying action, the complainants allege that the subject judge prematurely dismissed the complaint and that “[i]f [the subject judge’s] actions were not motivated by racial discrimination but rather were motivated by some allegiance with law enforcement, this motivation also violates impartiality.” To the extent the allegation challenges the judge’s dismissal of the complaint as legally erroneous, the allegation is “directly related to the merits of [the] decision” and does not constitute “[c]ognizable misconduct.” JUDICIAL-CONDUCT RULE 3(h)(3)(A). To the extent the complainants are attributing the dismissal of the complaint to the subject judge’s alleged bias or lack of impartiality, the complaint fails to provide any support for those allegations other than the decisions themselves. Thus, these allegations must also be dismissed as “directly related to the merits” of the judge’s decisions. *See* JUDICIAL-CONDUCT RULE 11(c)(1)(B).

Finally, as to the third underlying action, the complainants allege that the subject judge used an improper evidentiary standard in dismissing the complaint. The complainants also make general assertions that the subject judge never addressed their requests for copies of court documents including the complaint, ignored their requests for reasonable accommodations, subverted the intent of the Civil Justice Reform Act by delaying consideration of their cases, and generally exhibited a pattern of discriminatory behavior.

The challenge to the evidentiary standard applied by the judge and to decisions concerning requests for reasonable accommodation must be dismissed as “directly related to the merits” of the judge’s decisions or procedural rulings. *Id.* As to the failure to provide copies of court documents, that is the responsibility of the Clerk’s Office and not the judge and thus is not evidence of judicial misconduct. *See* JUDICIAL-CONDUCT RULE 11(c)(1)(D). With regard to the allegation of delay, delay alone is insufficient to raise an inference that misconduct has occurred, and while habitual delay in a significant number of unrelated cases can amount to misconduct, the complainants make no such allegation. As was the case with one of complainants’ previous misconduct complaints against the subject judge, No. DC-15-90021, the allegation of delay is excluded from the category of cognizable conduct as merits-related, and this aspect of the complaint thus must be dismissed. *See* JUDICIAL-CONDUCT RULE 11(c)(1)(B). Finally, as to the general allegations of bias in connection with the third action, the complainants have again failed to provide any evidence of improper bias. *See* JUDICIAL-CONDUCT RULE 11(c)(1)(D).

Accordingly, the complainants have failed to demonstrate that misconduct has occurred, and 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).²

² 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).