

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-22-90020

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 11, 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 complaint filed suit in the District Court for the District of Columbia against the subject judge, a federal judge in North Carolina, a North Carolina government official, and a publishing company, alleging that the defendants engaged in a conspiracy against him. The district court dismissed the suit without prejudice, finding that the complainant was barred from proceeding in forma pauperis under the Prison Litigation Reform Act's "three strikes" provision and had failed to show that he was "under imminent danger of serious physical injury." Thus, in order to proceed with his suit, the complainant needed to pay the full filing fee. The complainant then filed a petition for a writ of mandamus in the Court of Appeals, seeking an order directing the Attorney General of the United States to reduce his sentence and order his immediate release. The Court of Appeals denied the petition, holding that the complainant had not shown that he had a right to the relief requested. The complainant then moved in the Court of Appeals for relief from a Clerk's Order that had dismissed his motion for other relief as moot because the case was closed. The Court of Appeals denied the motion for relief, finding that the complainant had not demonstrated that the requested relief was warranted, and directed the Clerk not to accept any further filings in the closed case.

The complainant then filed the instant judicial misconduct complaint against the subject judge, alleging that she and others were involved in a conspiracy and “unlawfully distributed N.C. criminal procedure legal manuals” under which his sentence had allegedly been unlawfully extended. The complainant, however, has failed to provide any support for this allegation other than his belief that a conspiracy occurred. The complaint thus “lack[s] sufficient evidence to raise an inference that misconduct has occurred” and will be dismissed. JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(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).