

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint Nos. DC-22-90028
DC-22-90029

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against two judges 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 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).



Sri Srinivasan, Chief Judge

Date: January 12, 2023

No. DC-22-90028

No. DC-22-90029

MEMORANDUM

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

The complainant filed a diversity action against her landlord alleging a series of contractual and tort damages. The case was assigned to subject judge I, who ultimately dismissed the complaint without prejudice for failure to effect service. The complainant appealed the dismissal of the complaint, and the court of appeals affirmed. The complainant then filed a second complaint against her landlord and this case was originally assigned to subject judge II. At an evidentiary hearing regarding whether diversity jurisdiction existed, subject judge II realized he knew the defendant and thus recused himself from the case. The case was then reassigned to subject judge I, given that it fell under the court's related-case rule. See D.D.C. Local Rule 40.5(a)(4). The complainant then filed a motion to recuse subject judge I, alleging that the judge was biased against her and was conspiring with subject judge II. Subject judge I denied the motion to recuse and ultimately dismissed the case for lack of subject matter jurisdiction because the parties lacked diversity of jurisdiction. The complainant then filed suit against her landlord in Maryland.

The complainant has now filed the instant misconduct complaint against the subject judges alleging that they have been involved in "inappropriate communications" with the Maryland judge handling the complainant's most recent case. Specifically, the complainant

asserts that “it appears [subject judge II] and with [subject judge I] communicated their negative views about the case against me to [the judge in Maryland] regarding dismissing of the case in Maryland.” The complainant further alleges that the Maryland judge stated “his views on how the DC state court case would end and how the fed case would end” and thus “[o]ne would have the distinct impression that a conspiracy was in process to my detriment and one of which I was not a participant between the judges and the different courts at play.” Finally, the complainant asserts that subject judge II should be “held accountable for any involvement in any other litigation, not pending before him, after he recused himself.”

The complainant’s allegation that the subject judges improperly communicated with and influenced the Maryland is without merit. The complainant has provided no support for the allegation that there was inappropriate communication among the judges other than her own beliefs that such communications occurred and her “impression” that a conspiracy took place. Accordingly, the complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred,” and thus must be dismissed. See JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); 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).