

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90007
DC-23-90008
DC-23-90009

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against three judges of the United States Court of Appeals for the District of Columbia Circuit, 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: May 10, 2023

No. DC-23-90007
No. DC-23-90008
No. DC-23-90009

MEMORANDUM

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

The complainant filed a complaint in the district court. The district court sua sponte dismissed the complaint for failure to meet the minimal pleading requirements of Rule 8(a) of the Federal Rules of Civil Procedure and for lack of subject matter jurisdiction. The Court of Appeals, composed of the three subject judges, denied complainant's motion for appointment of counsel and affirmed the order dismissing the complaint.

The complainant has now filed the instant judicial misconduct complaint. The complainant asserts that the three appellate judges have "misbehaved" by dismissing her complaint and denying her motion for appointment of counsel. More specifically, she claims that the subject judges erred in stating that the "district court correctly concluded that the complaint failed to set out 'a short and plain statement of the claim.'" She also argues that the subject judges erred in denying her motion for counsel because she provided "medical certificates I cannot write because of injuries." Finally, the complainant states that "[y]ou must convict these appellate judges . . . for obstructing justice, civil rights violation, denial of court app counsel, complicity with torture."

To the extent the complainant is challenging the merits of the subject judges' order denying the appointment of counsel and affirming the district court's dismissal of the

complaint, that allegation is a direct challenge to the subject judges' order, 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 an allegation does 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).

To the extent the complainant alleges that the subject judges "obstructed justice," violated her civil rights, or were complicit in "torture," those allegations are entirely unsubstantiated. The allegations are supported by nothing more than the complainant's own evident beliefs. Thus, these allegations "lack[] sufficient evidence to raise an inference that misconduct has occurred." JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); see 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, because the complaint "is directly related to the merits of [the subject judges'] decision," and "lack[s] sufficient evidence to raise an inference that misconduct has occurred," it will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B) & (D); see 28 U.S.C. § 352(b)(1)(A)(ii) & (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).