

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-22-90041

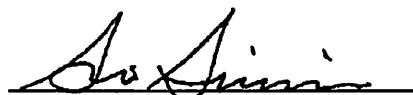
Before: Srinivasan, Chief Judge

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: 7/26/23

**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 filed a petition for a writ of mandamus in the District Court concerning actions taken by federal judges in another circuit. The subject judge issued an order directing the complainant to provide a certified copy of his prison trust account statement so that the court could assess the complainant's ability to pay the filing fee. In the alternative, the subject judge directed the complainant to pay the filing fee applicable to non-in forma pauperis civil cases. The complainant was given 30 days to comply with the order or risk dismissal of the case without prejudice.

The complainant has now filed the instant judicial misconduct complaint, alleging that the subject judge continues to "conceal[] the previous frauds committed" by the out-of-circuit judges. Specifically, the complainant alleges that the subject judge improperly failed to sign the court's order. The complainant further asserts that, although the order itself reflected one date, the postage meter stamp on the envelope containing the order bore a stamp dated 19 days later, thereby making his response to the order due only days after he received the order. The complainant, however, has failed to provide any evidence to demonstrate that the subject judge has engaged in judicial misconduct.

First, to the extent the complainant is alleging that the subject judge's order was "fraudulent" because it lacked an actual signature, that argument is without merit. The

electronic version of the order contained in the electronic case filing system is the official court filing and need not contain the actual signature of the judge. See RULES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, Rule 5.4(c)(3) Comment (“An opinion, memorandum, order, judgment, default, or other notice issued electronically by the Court or by the Clerk bears an electronic ‘signature’ and does not require a handwritten signature to be official and binding.”); see also ECF Users Manual, U.S. District Court for the District of Columbia (2019), at 1 (“Most ECF documents contain an electronic signature (e.g., /s/ John Smith.”). Second, the complainant’s challenge to the timing of the mailing of the order also lacks merit. The District Court Clerk’s Office, not the judge, is responsible for the mailing of the order, and any delay in mailing the order cannot be attributed to wrongdoing on the part of the subject judge. Accordingly, the complaint “lack[s] sufficient evidence to raise an inference that misconduct has occurred,” and must be dismissed. JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(B); see 28 U.S.C. § 352(b)(1)(A)(ii).<sup>1</sup>

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<sup>1</sup> 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).