

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90046

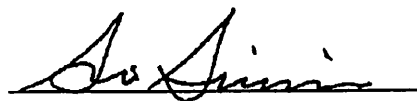
Before: Srinivasan, Chief Judge

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: 3/27/24

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 in the district court a pro se complaint against a fire department in another state ("Fire Department"). The complainant alleged that the Fire Department "ignored the rule that any hill steep 25% degree or more is exempt from brush clearance," and sought \$86,000 in damages and "release" from all current and future "fee charges." The complaint also mentioned due process and equal protection and included attachments referencing the Landslide Preparedness Act, 43 U.S.C. § 3101, the Americans with Disabilities Act, and statutes and regulations concerning health centers in underserved communities. The subject judge sua sponte dismissed the case without prejudice for failure to satisfy the pleading standard of Federal Rule of Civil Procedure 8(a), concluding that the complaint failed to give the Fire Department fair notice of any factual or legal basis for his claim for relief. The complainant then filed a motion for reconsideration, as well as a motion for entry of default based on the Fire Department's failure to appear. The subject judge denied reconsideration, explaining that she was "still unable to discern the statutory basis of [the complainant's] claims" that the Fire Department acted unlawfully, and the complainant was not permitted to amend his complaint or assert new claims via a post-judgment motion. In a separate minute order, the court denied as moot the motion for entry of default. The complainant appealed, and the Court of Appeals affirmed the district court.

The complainant has now filed a judicial misconduct complaint against the subject judge. Although it is difficult to discern the nature of the complaint, it appears that he is challenging the judge's failure to enter a default judgment in his favor. The complainant notes that "Defendant did not reply to the summons and complaint" and "the judge must render judgment without any hearing." He further alleges that "[i]t is about three years of the default judgment not signed by [the subject judge]. Ambiguity is in favor of the victim."

In challenging the judge's denial of the motion for entry of default, the complainant is directly challenging the merits of the subject judge's decision. "Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge – without more – is merits-related." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(b)(1) Commentary ¶ 12. Such an allegation does not constitute "[c]ognizable misconduct" under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.* Rule 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii). Accordingly, because the complaint "is directly related to the merits of [the judge's] decision," the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).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 of 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).