

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90047

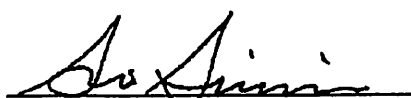
Before: Srinivasan, Chief Judge

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 attempted to remove to the district court a criminal proceeding against him filed in D.C. Superior Court and sought to file both a counterclaim against the United States and an amended counterclaim. The case was assigned to the subject judge. The judge ordered that the case be remanded to Superior Court, noting that the complainant's "filing does not comport with the requirements of removed state criminal actions, in that it includes neither a 'short and plain statement of the grounds for removal,' which are indiscernible from the record, nor a copy of the necessary papers from the D.C. Superior Court action." The judge further directed the Clerk of Court to close the case. The complainant then attempted to file a host of motions, all of which the judge denied as the case had been closed. After the complainant attempted to file 15 letters in one month, the judge directed that the Clerk "shall not, absent extraordinary circumstances, permit defendant to file any other documents in this case unless ordered to do so by the Court." The case was subsequently remanded to Superior Court. The complainant's appeal of the remand order was dismissed for lack of jurisdiction.

The complainant has now filed a judicial misconduct complaint against the subject judge. The complainant appears to allege that the judge was improperly assigned the case and was involved in "illegal 'judge shopping.'" Specifically, the complainant contends that "the U.S.

District Court Clerks . . . received filing fees of \$402.00 dollars then stated that they were directed by recused [subject judge] to wait until Defendant [subject judge's] name came up in the rotation and then they would assign the case to Defendant [subject judge]." The complainant further claims that the subject judge and others "criminally conspired to close case . . . not removing case . . . from the Superior Court D.C." He also states that the judge and others "criminal[ly] conspired to actively participate, aid and abet in several Attempts of Murder, Racketeering and other heinous crimes."

To the extent that the complainant is challenging the assignment of his case to the subject judge as improper, that claim is without merit. The judge has no role in selecting the cases assigned to her, as that is done "by the Clerk under the direction of the Calendar and Case Management Committee." District Court Local Rule 40.1(b) (Dist. Ct. LCvR). The District Court's Local Rules provide for the random assignment of cases. See Dist. Ct. LCvR 40.3(a) (detailing manner in which cases are assigned randomly). Thus, this allegation "lack[s] sufficient evidence to raise an inference that misconduct has occurred." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); see 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent the complainant is arguing that the judge and others are involved in a conspiracy to commit crimes, the complainant has failed to provide any evidence of wrongdoing other than his own beliefs. Thus, this allegation also lacks any evidence of misconduct. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D).

Finally, to the extent the complainant is alleging that the judge's decision to remand the case to Superior Court was erroneous, or that she improperly "close[d the] case," the

complainant is directly challenging the merits of the 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.” JUDICIAL-CONDUCT 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 “lack[s] sufficient evidence to raise an inference that misconduct has occurred” and “is directly related to the merits of [the judge’s] decision,” the complaint 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 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).