

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90050
No. DC-23-90051
No. DC-23-90052
No. DC-23-90053

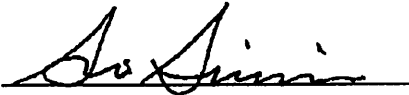
Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a judge of the United States District Court for the District of Columbia and 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: 3/28/24

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MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge of the United States District Court for the District of Columbia and 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 sued dozens of defendants, ranging from federal government entities to corporations and individuals. The complaint was 1,543 pages in length and contained an additional 628 pages of exhibits. The subject district court judge *sua sponte* dismissed the complaint without prejudice on the ground that the complaint was frivolous, and the judge also denied the complainant's motions for an injunction and to certify a class. The complainant appealed, and a panel of the court of appeals, consisting of the subject appellate judges, affirmed the district court.

In a separate action, the complainant sought leave to file a complaint via a flash drive because the complaint consisted of approximately 20,000 pages. The subject district judge denied the motion to file the nonconforming pleading and the complainant's motion for leave to proceed in forma pauperis. The complainant sought reconsideration, which was denied.

The complainant has now filed a judicial misconduct complaint against the subject district court judge and subject appellate judges. The complainant alleges that the district court "wrongfully . . . excluded 86% of case evidence to be filed." The complainant further states that

the “printing [of the evidence] was precluded by a hack of defendants one week before filing by defendants who remotely disabled my inkjet printer, first disabling the black ink only, and later all colors of ink.” He additionally claims that the judge’s dismissal of the complaint two weeks after filing demonstrates a “timeframe [that] did not even allow sufficient [time] for a professional competent reader.” Finally, the complainant alleges that the judge improperly attached to his dismissal order an “unrelated prior memorandum opinion . . . [which] included irrelevant analysis and citations.”

As to the subject appellate judges, the complainant asserts that the district court’s “wrongful decisions were themselves affirmed by the Circuit panel *sua sponte* without reference to specific *Denton* ‘intelligent appellate review’ test specified but never incorporated in any compliant memorandum opinion relevant to the instant complaint.” The complainant concludes his judicial misconduct complaint by noting that “this specific document was itself hacked during preparation by the continuing acts of the police powers defendants in the underlying case and long-running fact pattern.”

The complainant appears to be challenging the district court’s decisions to dismiss his complaint and to deny leave to file a nonconforming pleading and the court of appeals’ affirmance of the dismissal order. Those allegations, however, are direct challenges to the merits of the judges’ decisions. “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 allegations do 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 judges’] decision[s],” 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).