

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaints No. DC-23-90048
No. DC-23-90054

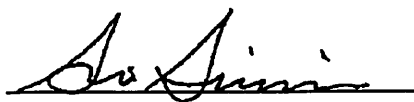
Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaints herein, filed against a judge of the United States District Court for the District of Columbia, it is

ORDERED that the complaints 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

No. DC-23-90048

No. DC-23-90054

MEMORANDUM

The complainant has filed two complaints of judicial misconduct against a judge of the United States District Court for the District of Columbia. For the following reasons, the misconduct complaints will be dismissed.

The complainant filed in district court a complaint alleging that his employer discriminated against him on the basis of his religion. The district court denied the complainant's motion for leave to proceed in forma pauperis ("IFP"), concluding that he appeared to have adequate resources to pay the filing fee. The complainant subsequently paid the fee, and the case was then assigned to the subject judge. The complainant then filed an interlocutory appeal of the district court's order, moved for reconsideration on the ground that the order was invalid because it did not contain a handwritten signature, and filed a motion for leave to appeal IFP. The subject judge denied the motion for reconsideration, concluding that the complainant's financial picture had not changed and that electronic orders do not require handwritten signatures. The judge also denied the motion for leave to appeal IFP. After the complainant appealed the order denying his motion for reconsideration, the court of appeals denied the complainant leave to appeal IFP and ultimately dismissed the case for lack of prosecution.

Meanwhile, the employer, after obtaining two extensions of time to respond to the complaint, filed a motion to dismiss, and the subject judge directed the complainant to respond to the motion or it could be deemed conceded. The complainant then filed an Affidavit for

Default, which the judge denied because “Defendant’s Motion for Extension of Time was granted, and Defendant responded within the allotted time period.” The complainant then filed his opposition to the motion to dismiss, and that motion, along with several others that the complainant subsequently filed, are pending before the judge.

The complainant has now filed two virtually identical judicial misconduct complaints against the subject judge. Both complaints state:

Till this day there has been no answer or denials or dismissals sent to the address of the plaintiff . . . [a]nd this is uncalled for. I am not filing a di[s]ability against [the subject judge]. I do not think that there is nothing wrong with his abilities, accept [sic] his neglect[t] to see that his clerks do their jobs and see that they learn how to conduct themselves during business hours while they are in those court rooms. And that the judge signed the o[r]ders that he gives. Most of his o[r]ders has only the printing of his name which the defendant typed. I believe that he should be cognitive of how important a signature could be.

The complainant also claims in DC-23-90054 that, while he objected to the employer’s second motion for an extension of time to respond to the complaint, he “got no answer from either of the denial requests.” He further alleges that he never received a response to his objections. The complainant also appears to be challenging the timing of the disposition of the motion for extension of time: “The filing date of the defendant’s enlargement of time motion as stated July 11, 2023 at 6:26 p.m. The court [was] closed. I filed on the exact day of July 11, 2023. But plaintiff is receiving this bewitched minute order which I do not believe a sitting judge would file.”

To the extent that the complainant is alleging that the subject judge refused to rule on motions in his case, “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a

particular decision or habitual delay in a significant number of unrelated cases.” JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(b)(2). The complainant has not identified delay in a “significant number of unrelated cases,” nor has he alleged that delay was the result of an “improper motive.” Thus, this allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” See JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent the complainant is asserting that the subject judge has committed misconduct in his failure to properly manage and supervise staff, the complainant has failed to provide evidence of misconduct other than his own beliefs that the court staff treated him discourteously. Thus, this allegation also fails to raise an inference of misconduct. See JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

In addition, to the extent the complainant is claiming that the subject judge has failed to personally sign his orders, that allegation is also without merit. The District Court’s Local Rules specifically provide that an order “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.” District Court Local Rules, Comment to LCvR 5.4(c)(3). Thus, this claim also fails to raise an inference of misconduct. See JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

Finally, to the extent the complainant is alleging that the judge’s order granting an extension of time was “bewitch[ing]” or otherwise improper because the motion was filed after the court was closed, he had objected to the motion, and he failed to receive a “response” to

his opposition, the complainant is directly challenging the order granting the extension of time.

“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.*

Accordingly, because the complaints “lack[] sufficient evidence to raise an inference that misconduct has occurred” and are “directly related to the merits of a decision,” the complaints 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).