

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of
A Complaint of Judicial
Misconduct or Disability**

**Complaint No. DC-23-90055
No. DC-23-90057
No. DC-23-90058
No. DC-23-90059**

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, and the supplements thereto, 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: April 2, 2024

No. DC-23-90055
No. DC-23-90057
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MEMORANDUM

The complainant has filed complaints of judicial misconduct, and supplements thereto, 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 complaints will be dismissed.

The complainant filed a *pro se* complaint in the district court against a federal judge in another district, alleging that the judge had illegally presided over, and issued erroneous rulings in, a civil suit brought by the complainant. The complainant sought to remove the judge from the (now closed) case and to void his rulings, and also sought damages and injunctive relief. The subject district judge *sua sponte* dismissed the complaint with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B), concluding that the judge whom the complainant had sued was immune from a damages suit, that a federal district court could not review the actions of another district court or compel that other court to act, and that these defects could not be cured by other factual allegations. The complainant appealed the dismissal order.

The court of appeals, acting through a panel consisting of the three subject appellate judges, affirmed the district court. The court of appeals concluded that the district court properly dismissed the complaint without awaiting any response from the defendant because the defendant was entitled to judicial immunity from a damages suit. The court of appeals further determined that the complainant had forfeited certain other arguments, and it

dismissed as moot his motion regarding his case status and schedule. The complainant then sought rehearing, which was denied. The complainant later filed a motion to recuse the court of appeals judges, and that motion was dismissed as moot. The complainant then filed a motion to recall the mandate, which contained another request for recusal. The court of appeals, acting through two of the three judges who had comprised the panel that had issued the previous decisions in the case, denied the motion to recall the mandate and the request for recusal. The court explained that the complainant had “not demonstrated that the impartiality of any judge of this court might reasonably be questioned.”

The complainant has now filed judicial misconduct complaints against the subject district judge and the three subject appellate judges. As to the subject district judge, the complainant alleges that the judge is biased against him because he is pro se. He further asserts that the district judge failed to address his arguments in the dismissal order, improperly dismissed the complaint *sua sponte* without first seeking a response from him, and failed to provide “Legally-Compliant, Legitimate and/or Verifiable Reasons To the Plaintiff.” The complainant also claims that the district judge failed to list the specific documents and evidence that she reviewed, failed to properly evaluate the evidence, failed to abide by the U.S. Constitution’s First, Fifth, and Fourteen Amendments, and failed to comply with previous court rulings. Finally, the complainant alleges that the district judge improperly refused to file multiple motions seeking her recusal.

In challenging the subject district judge’s alleged failure to provide an explanation for her reasoning, address his arguments, seek a response from him, list the evidence considered,

abide by the U.S. Constitution and court precedent, and file his motions for recusal, the complainant is directly challenging the dismissal order and the decision to deny leave to file certain motions. “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.*

To the extent the complainant alleges that the subject district judge is biased against him because he is pro se, the complainant has failed to provide any evidence of bias other than his own beliefs. Thus, these allegations “lack[] sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, the complaint against the subject district judge will be dismissed as it “is directly related to the merits of a decision or procedural ruling” and “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B) & (D); *see* 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

As to the complaints against the subject appellate judges, the complainant reiterates the allegations of wrongdoing that he levied against the subject district judge. The complainant states that the subject appellate judges, “Having Full Knowledge and/or Proof Of These Judicial Crimes and/or Violations by [the district court] Chose to Willingly Participate By Endorsing Her Wrongful-Dismissal Of The Plaintiff’s Case To Help Conceal and Enforce These Judicial-Crimes

Which Makes Them A **WILLING-PARTICIPANT** To These Very Same Crimes!”

In a supplement to the complaint, the complainant alleges that the subject appellate judges engaged in further misconduct after his original complaint was filed. The complainant claims that two of the subject appellate judges “PANICKED and DENIED The Motion [to recall the mandate] While Ordering The Court Clerks to REJECT All Further Documents and/or Filings From The Plaintiff! This Was Largely Due To The Plaintiff Informing The Appeals Court Of Their Violations Involving Laws, Orders, Rules, Etc., But It Was Mostly Due To Being Caught With Their Repeated Violations Of 28 U.S. Code § 46!” The complainant further alleges that the third subject appellate judge “REFUSE[D] To Participate In The Court’s Decision, (Which Is A Proven Act Of **SILENTLY-ENDORSING** These Judicial Crimes) While Helping To Conceal and Enforce These Crimes Making Them A **WILLING-PARTICIPANT!**”

The complainant’s allegations against the subject appellate judges challenge the correctness of the court of appeals’ decisions to affirm the dismissal order, deny rehearing, and deny the motion to recall the mandate. These merits-related allegations, like the complaint against the district judge, do not constitute cognizable misconduct.

To the extent the complainant is alleging that the third subject appellate judge (in DC-23-90058) committed misconduct by not participating in the decision to deny the motion to recall the mandate, that allegation lacks merit. At the time the motion to recall the mandate was presented to the court, that judge had retired from active service to the court as a senior judge.

Accordingly, the complaints against the three subject appellate judges also 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).