

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90056

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: April 2, 2024

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 an administrative complaint with the Food and Nutrition Service (FNS) in the United States Department of Agriculture, concerning certain benefits he alleges he was owed. The FNS closed the case based on the complainant's failure to provide information that the FNS had requested. The complainant then filed a civil action in the district court against officials of the Department of Agriculture, alleging that he and his brother had not received the benefits they believe they are owed. The subject judge dismissed the complaint for lack of subject-matter jurisdiction, concluding that the FNS's decision to close the administrative complaint was unreviewable under the Administrative Procedure Act.

The complainant has now filed a judicial misconduct complaint against the subject judge. First, the complainant alleges that the judge had an "improper motive" in delaying the case. The complainant states that "the available body of facts indicates an improper judicial motive" and the "lapse of time, now very close to six (6) months implicitly acknowledges an inappropriate motive." He also claims that the delay is "part of a pattern in other unrelated cases." Specifically, the complainant cites two other of the judge's cases involving alleged delay. Without providing any specific information about those cases, the complainant asserts that "[t]hose incidents demonstrated 'alarming patterns.'"

Second, the complainant claims that the judge's "clerks took over the authority of the

Clerk's Office" as evidenced by the facts that they "selectively decided" not to mail the complainant a minute order and that mail containing an order "was delivered to the wrong address." He further claims that "similar ethical misconduct" occurred in an unrelated case before the subject judge, when he "undisputedly interfered with the Clerk's Office function; and . . . an aggregate of the individual views, showed [the judge's] favoritism towards the California judicial defendants."

Lastly, the complainant asserts that the subject judge "abused his authority and subjected pro se Plaintiffs to unfair process," "acted with extreme unfairness, showing preferential treatment favoring Defendants motion to dismiss," failed to "rule on certain substantive issues raised by the Plaintiffs in multiple motions over the pendency of both cases," and "manipulat[ed] established court proceedings so as to accomplish his personally desired result."

With respect to the complainant's allegation that the subject judge delayed ruling on the 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." See JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(2). As ostensible evidence of delay in a "significant number of unrelated cases," the complainant points to two other cases. Regardless of whether two cases could suffice to constitute a "significant number of unrelated cases," a review of the dockets in those cases shows no indication of unreasonable delay. Insofar as the complainant alleges that the subject judge's alleged delays result from

improper motive, the complainant contends, entirely without elaboration, that “the available body of facts indicates an improper judicial motive” and the “lapse of time, now very close to six (6) months implicitly acknowledges an inappropriate motive.” 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 that the complainant asserts that the subject judge somehow interfered with the Clerk’s Office functions of mailing orders or bore responsibility for the orders’ alleged delivery to the wrong address, the complainant has failed to provide any evidence of judicial wrongdoing other than his own beliefs. Thus, this allegation also “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

Finally, in claiming that the judge “abused his authority and subjected pro se Plaintiffs to unfair process,” “acted with extreme unfairness, showing preferential treatment favoring Defendants motion to dismiss,” failed to “rule on certain substantive issues raised by the Plaintiffs in multiple motions over the pendency of both cases,” and “manipulat[ed] established court proceedings so as to accomplish his personally desired result,” the complainant has again failed to provide any evidence of misconduct other than his own beliefs. Thus, like the other allegations, 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). Moreover, while the complainant states that his allegations are unrelated to the merits of a decision or procedural ruling, his allegation that the judge failed to address substantive issues

raised in multiple motions is a challenge to the disposition of those motions. Because such allegations are “directly related to the merits of a decision or procedural ruling,” they cannot give rise to a finding of judicial misconduct. See JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); 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 a decision or procedural ruling,” it 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).