

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-24-90004

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a judge 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 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: June 7, 2024

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge 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 filed suit against his former supervisor and employer alleging that his termination amounted to unlawful discrimination based on his race and nationality in violation of Title VII of the Civil Rights Act of 1964. The suit was filed in a district court outside of this circuit, where the subject judge was then serving as a judge. The judge ultimately granted the supervisor's motion to dismiss and denied the employer's motion to dismiss. The case against the employer then proceeded in the district court. While the employer's motion for summary judgment was pending before the subject judge, the case was reassigned to a judge in another division of the district court because of the subject judge's appointment as a judge on the court of appeals of this circuit. The new district court judge granted the employer's motion for summary judgment and that circuit's court of appeals affirmed the judgment.

The complainant has now filed a judicial misconduct complaint against the subject judge. Although the alleged misconduct occurred when the subject judge was serving on a court outside of this circuit, the complaint was properly filed here because the judge now serves in this circuit. See JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 7(a)(1) ("[A] complaint against a judge of a United States court of appeals, a United States district court, a United States bankruptcy court, or a United States magistrate judge must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office."). The

complainant makes three allegations of wrongdoing. First, the complainant alleges that “[t]here is no legal justification” for the judge’s order granting the supervisor’s motion to dismiss. Second, the complainant claims that the judge “illegally” ordered that the docket be modified so as to adjust the titles of the complainant’s pleadings. Finally, the complainant asserts that the judge improperly transferred the case from one division in the district court to another.

As to the claim that the judge’s decision to grant the supervisor’s motion to dismiss had no legal justification, that allegation is a direct challenge to the merits of the dismissal order. “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.* Here, the complainant challenges the correctness of the judge’s decision based on his own beliefs that it was incorrect. The allegation thus “lack[s] 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).

As to the allegation that the subject judge had a role in improperly modifying the docket, that assertion is also without merit. The act of docketing pleadings in a case is generally a ministerial one handled by the Clerk’s Office, not a judge. The complainant has failed to provide any evidence that the judge directed the Clerk’s Office to docket the pleadings in a particular manner. The complainant contends that the names of the pleadings on the docket deviated from the title the complainant included on his pleadings, but that alleged adjustment

is not evidence of judicial misconduct. Thus, this claim also lacks any evidence of judicial misconduct. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Finally, the complainant has also failed to demonstrate any judicial misconduct related to the transfer of his case from one division in the district court to another. There is no indication that the subject judge ordered or otherwise played any role in determining where the case would be transferred. In any event, the local rules of the district court specifically allow for such a transfer: “Any case may be transferred for case management or trial from one division to another division on motion of any party for good cause shown or *sua sponte* by the court.” LOCAL CIVIL RULES FOR THE U.S. DISTRICT COURT, Rule 3.01. The subject judge’s appointment to a different court necessitated reassignment of the case to a new judge, who happened to serve in a different division of the same district court in which the case was pending. This claim, like the others, thus lacks evidence of judicial misconduct. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, because the complaint is “directly related to the merits of a decision” and is “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” 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).