

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-24-90006

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, a member of the public, has filed a misconduct complaint against the subject judge alleging that she delayed the disposition of an appeal in a criminal case for partisan political reasons. Specifically, the complainant cites a news article that he claims “highlights [the judge’s] role in the delay and reports that political affiliation is the likely reason for the delay.” The complainant further relies on the article’s statement that the judge “could potentially hold back the court’s ruling for weeks or months while she crafts a dissenting opinion.” The complainant concludes that “the judge is motivated by partisan political goals to unnecessarily delay this case, which constitutes grave judicial misconduct in a criminal case of importance to every U.S. citizen.” The complainant also references other cases involving the defendant or his associates in which he claims that the subject judge’s decisions favoring the defendant or his associates were later overturned. The complainant concludes that, “[w]ith the extended delay in [the judge’s] opinion on this motion, I believe this pattern of favorable treatment from [the judge] towards this defendant has now extended to openly partisan political activity.”

The complaint’s allegations of judicial misconduct are unfounded. While the complainant alleges that the subject judge intentionally delayed disposition of the appeal, the panel issued a per curiam decision within one month of the oral argument. At any rate,

“[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). To the extent the complainant alleges that the judge’s supposed delays resulted from “partisan political goals,” the complainant relies only on uninformed media speculation that the judge was the cause of an ostensible delay. The complainant’s assumption that the judge might delay the disposition because she had ruled for the defendant or his associates in other cases is likewise pure speculation. Thus, the complainant’s allegations that the judge delayed consideration of the appeal for an improper reason “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).

Accordingly, because the complaint 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)(D); see 28 U.S.C. § 352(b)(1)(A)(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).