

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-24-90011

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: July 3, 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 and two other plaintiffs filed a civil action against a number of defendants alleging violations of: the Whistleblower Protection Act, 5 U.S.C. § 2302(b); 42 U.S.C. § 1983; and 50 U.S.C. § 3033(k)(5)(A). The plaintiffs contended that they were the victims of fraud, embezzlement, and theft, and that the defendants had conspired to steal their land. Multiple defendants filed separate motions to dismiss. The subject judge held a hearing on the motions, issued an order dismissing the case for lack of personal and subject matter jurisdiction, and determined that the District of Columbia was an improper venue. The plaintiffs then sought reconsideration of the dismissal order, which the judge denied.

The complainant has now filed a judicial misconduct complaint against the subject judge. The bulk of the complaint details the alleged wrongdoing by the defendants in the civil case. As to allegations against the judge, the complaint states that “[t]he judge in this case, ignored our motion challenging Jurisdiction and switched it to a Whistle Blower case, which includes over 140 other people who have also been schemed out of land and property in [three States], all listed in the filing.” The complainant further contends that the judge’s actions “were erroneous to ignor[e] the request to challenge jurisdiction by the Movant, and turn around and respond to the Defendants attorneys to challenge jurisdiction against the Movant.” The

complainant asserts that this is “a clear sigh [sic] of biasness.” Finally, the complainant claims that the judge “did not follow Due Process of Law and should recuse himself.”

While it is difficult to discern the nature of the judicial misconduct complaint, it appears that the complainant is directly challenging the merits of the judge’s orders granting the motions to dismiss and denying reconsideration. “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.* Rule 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii). To the extent the complainant intends to allege that the judge acted in a biased manner, the complainant has failed to provide any evidence of judicial misconduct other than his own unsupported beliefs. Thus, the complainant’s 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, because the complaint “is directly related to the merits of [the judge’s] 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).