

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-24-90013

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, a prisoner incarcerated in another jurisdiction, filed a complaint in district court in the District of Columbia. The allegations of the complaint pertain to the other jurisdiction's statute, the complainant's sentence, the conditions of the complainant's confinement during the COVID-19 pandemic, his medical treatment, and the dismissal of a class action lawsuit. A district court judge ordered that the case be transferred to a district court in the other jurisdiction because the complainant was incarcerated in that state and because the alleged facts appeared to have occurred outside the District of Columbia. The judge further noted that, although the complainant named the United States as a defendant, none of the allegations linked the United States to any of the harm the complainant allegedly suffered. Thus, the judge determined that venue was improper in the District of Columbia. The complainant then filed a petition for a writ of mandamus, seeking an order directing the district court to declare unconstitutional a statute of the state of incarceration. After mandamus was denied, the district court transferred the case to a district court in the state of incarceration.

The complainant has now filed the instant judicial misconduct complaint against the subject judge. The complaint reads in its entirety:

U.S. District Court Judge . . . did issue unlawful order of transfer of case . . . to [one] U.S. District Court . . ., when complainant was housed in [a] Correctional [facility], which is located [within another] District. Subject Judge . . . knowingly

employed this Judicial Misconduct Act . . . , in an effort to deny complainant access to courts.

First, the named subject judge had no role in the complainant's case and the complaint thus must be dismissed for that reason alone. Second, even assuming the complainant intended to complain about the judge who transferred his case, such a complaint would fail. The complainant's allegation of judicial misconduct is a direct challenge to the merits of the transfer order. "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.* 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 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).