

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

No. DC-23-90012  
No. DC-23-90013  
No. DC-23-90014  
No. DC-23-90029  
No. DC-23-90030  
No. DC-23-90031  
No. DC-23-90032

Before: Pillard, Circuit Judge\*

**ORDER**

Upon consideration of the complaints herein, filed against six judges of the United States Court of Appeals for the District of Columbia Circuit, it is

**ORDERED** that the complaints be dismissed for the reasons stated in the attached Memorandum.

The Circuit Executive is directed to send a copy of this Order and accompanying Memorandum to the complainant, the subject judges, 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 11(g)(2).

Date: October 4, 2024



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Cornelia T. L. Pillard, Circuit Judge

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\* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

## MEMORANDUM

Complainant has filed complaints of judicial misconduct against six judges<sup>1</sup> of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the complaints will be dismissed.

In 2022, the U.S. Court of Appeals for the District of Columbia Circuit instituted attorney discipline proceedings against complainant, after the District of Columbia Court of Appeals suspended him from practice. Subject judges 12, 13, and 14 ordered that the matter be scheduled for oral argument. After those judges denied complainant's motion to hold the case in abeyance, complainant filed a motion to recuse all three judges and also filed judicial misconduct complaints against each judge. The recusal motion and the misconduct complaints alleged that the subject judges' prior rulings against complainant were the result of bias. He noted that each judge has previously been the subject of a lawsuit filed by complainant, and he has publicly criticized the subject judges and other judges of the Court of Appeals on multiple past occasions. Complainant also alleged that subject judge 12 treated him in a biased and unprofessional manner in a prior unrelated case. After the subject judges denied the motion to recuse, complainant supplemented the misconduct complaints with an allegation that the judges should not have ruled on the recusal motion because they were the subjects of that motion.

Complainant's attorney discipline case proceeded to oral argument, and shortly after oral argument complainant filed judicial misconduct complaints against the three members

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<sup>1</sup> The subject judges are identified throughout this memorandum by the last two digits of the judicial misconduct complaints filed against them. Subject judges 14 and 32 are the same judge.

of the merits panel (subject judges 30, 31, and 32) as well as a fourth judge (subject judge 29). He also filed a motion to recuse all three members of the panel. Complainant alleges that subject judge 30 treated him in a biased and hostile manner during oral argument, and the other subject judges committed misconduct when they failed to prevent this treatment.

With respect to complainant's first set of misconduct complaints, complainant has not shown that any of the three subject judges is biased against him, or that they have otherwise engaged in conduct that constitutes cognizable judicial misconduct. Those complaints are therefore "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred," and must be dismissed. JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D). Insofar as complainant suggests that the subject judges' rulings against him are themselves grounds for a finding of judicial misconduct, any such allegation is "directly related to the merits of a decision or procedural ruling" and must therefore be dismissed. JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(B).

With respect to complainant's second set of misconduct complaints, there is no indication in the record that subject judge 30 treated him in a biased or hostile manner, or that the judge otherwise has engaged in judicial misconduct. Nor has complainant provided any evidence supporting his claim that any of the four subject judges have engaged in judicial misconduct. Those complaints are therefore "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred," and must be dismissed. JUD.

CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule  
11(c)(1)(D).<sup>1</sup>

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<sup>1</sup> Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY 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 of the date of the dismissal order. *Id.* Rule 18(b).