

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of
A Complaint of Judicial
Misconduct or Disability**

Complaint No. DC-24-90023

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, and the supplement thereto, 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: March 5, 2025

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 filed an action in district court alleging various claims under the Freedom of Information Act (FOIA) and Administrative Procedure Act (APA) relating to an allegedly improper delay by the Secretary of Housing and Urban Development in considering his claim of a violation of the Fair Housing Act. When the government failed to respond to the complaint, the complainant filed a motion for default judgment. The government then filed a motion for leave to file a response to the complaint, citing excusable neglect as the reason for the delayed filing. The subject judge granted the government's motion, over the complainant's objection, and denied the complainant's motion for default judgment.

The judge subsequently granted the government's opposed motion for extension of time to file a motion to dismiss. The government then sought a second extension for time to file the motion to dismiss, which the subject judge granted over the complainant's objection. After the government filed its motion to dismiss, the complainant filed: a motion to strike the motion to dismiss; a motion to compel production of documents; and a motion to take judicial notice of new evidence.

The subject judge ordered the government to reply to the response to the motion to

dismiss and to provide a report updating the court on the status of their response to the complainant's FOIA request. The complainant then filed a motion to vacate that order along with a number of other motions. The subject judge granted the government's motion to dismiss the APA claims as barred by the relevant six-year statute of limitations. The judge, however, denied the motion to dismiss as to claims arising out of the complainant's FOIA request, which was not barred by the statute of limitations. The judge denied as moot or dismissed the complainant's remaining motions. The complainant also moved to disqualify the subject judge, and the judge denied that motion.

The complainant has now filed a judicial misconduct complaint against the subject judge for "depriving [the complainant] of his Constitutional Rights, for depriving [the complainant] of his congressionally-granted entitlement to judicial review, for conduct that contravenes the 'Code of Conduct for United States Judges' ('Code'), and for conduct that betrays the Judge's Oath of Office." The complainant appears to make five specific claims.

First, the complainant alleges that the subject judge's dismissal of the APA claims "is a unique exception, anomaly, aberration, and an absolute outlier, violating BOTH the common law rule in this jurisdiction, as well as the doctrine of *stare decisis*." (emphasis in original). Second, the complainant contends that, in denying various of his motions and in ruling on his motion for reconsideration of the APA claim dismissal without waiting for a response, the subject judge violated the complainant's right to equal protection and "to privacy, because of the governments' improper misrepresentations

remain on the court's publicly-accessible docket, impugning [the complainant]." Third, the complainant asserts that the subject judge violated the Rules of Evidence and failed to enforce the Rules of Civil Procedure when ruling against the complainant. Fourth, the complainant argues that the subject judge failed to take appropriate action against the government attorney's unnecessary delays in the case and improperly granted the government's motions for extension of time. And finally, the complainant alleges that the subject judge was biased against him as evidenced by the fact that his motions for extension of time were denied while the government's motions for extension of time were always granted and by the fact that the judge's orders "avoid any discussion of deprivations of [his] Constitutional Rights."

As to the claims that the subject judge's partial dismissal of the complaint violated common law and thwarted his ability to seek judicial review, that the denial of the complainant's motions violated the Rules of Evidence, and that the orders granting the government's motions for extension of time were improper, those allegations amount to direct challenges to the merits of the subject judge's relevant rulings and his decision to partially dismiss the complaint. Because the allegations "call[] into question the correctness of [the] judge's ruling[s]," they do not constitute "[c]ognizable misconduct" under the Judicial-Conduct Proceedings Rules or the applicable statute. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 4(b)(1); 28 U.S.C. § 352(b)(1)(A)(ii). While the complainant asserts that he "understands that this complaint process is not to be used to challenge the correctness of the Judge's ruling," the

complainant's allegations do just that. These allegations are thus dismissed as "directly related to the merits of a decision or procedural ruling." JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

As to the complainant's assertion that the subject judge violated the complainant's rights to equal protection (by ruling on complainant's motions without waiting for a response), and to privacy (because the government's publicly-filed documents allegedly impugned him), the complainant has failed to provide any evidence supporting the conclusion that judicial misconduct has occurred. This allegation therefore "lack[s] sufficient evidence to raise an inference that misconduct has occurred," and must also be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Finally, to the extent the complainant alleges that the subject judge is biased against him, that claim must also be dismissed. The complainant fails to provide any evidence to support his claim of bias. The complainant asserts that the subject judge's orders denying his motions for extension of time while granting the government's motions constitute evidence of bias, and the complainant asserts the same about the subject judge's orders "avoid[ing] any discussion of deprivations of [his] Constitutional Rights." But the mere results of those orders, absent any evidence that the dispositions derived from bias, is "directly related to the merits of a decision or procedural ruling" and hence cannot alone constitute "[c]ognizable misconduct" under the Judicial-Conduct Rules. JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1) Commentary ¶ 12. Moreover,

because the complainant offers no other evidence of bias and the rulings themselves contain no suggestion of bias, the allegation also lacks sufficient 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 complainant’s allegations are either “directly related to the merits of a decision” or “lack[] 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 of the D.C. Circuit within 42 days after the date of the dismissal order. JUDICIAL-CONDUCT PROCEEDINGS RULE 18(b).