

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

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

**Complaint No. DC-24-90036  
DC-24-90037**

Before: Srinivasan, Chief Judge

**ORDER**

Upon consideration of the complaint herein, filed against two judges 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 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 (2019), RULE 11(g)(2).

  
Sri Srinivasan, Chief Judge

Date: April 16, 2025

No. DC-24-90036  
No. DC-24-90037

## **MEMORANDUM**

The complainant has filed a complaint of judicial misconduct against two judges of the United States District Court for the District of Columbia. For the following reasons, the misconduct complaint will be dismissed.

The complainant filed two appeals in the U.S. Court of Appeals for the Ninth Circuit, but those appeals were dismissed based on the complainant's noncompliance with that court's orders. The complainant then came to the district court in this circuit and sued three Ninth Circuit employees in their official capacities for their role in the handling of the two dismissed appeals. The defendants filed a motion to dismiss for lack of subject matter jurisdiction, and the subject judge issued an order advising the complainant of her obligation to respond to the motion to dismiss or the court may deem the matter conceded. The complainant then filed a motion for enlargement of time for discovery and a motion to strike the defendants' motion to dismiss. The district court judge (subject judge I) ultimately granted the motion to dismiss, determining that he lacked authority to direct the Ninth Circuit to adjudicate the complainant's cases differently. Additionally, to the extent the complainant attempted to state a damages claim, subject judge I determined that the defendants enjoyed sovereign immunity against damages claims arising from their official acts.

The complainant also filed a second suit in the district court involving different defendants and alleging age discrimination in employment. The complainant's motion

for leave to proceed in forma pauperis in the second suit was handled by a different district court judge. That judge granted the motion for leave to proceed in forma pauperis and directed the Clerk to assign the case to subject judge I as related to the first complaint. The case was subsequently assigned to subject judge I. After a series of extensions of time to respond to the complaint were granted, the defendants filed a motion to dismiss. That motion remains pending.

The complainant has now filed a judicial misconduct complaint against subject judge I and a second district court judge (subject judge II). Although the allegations are difficult to decipher, it appears that she raises three allegations. First, the complainant asserts that subject judge I had an improper motive in ostensibly delaying consideration of her first case. Second, the complainant asserts that the U.S. Attorney “engaged in ex parte communication with [subject judge I] or the ascending judge of authority [subject judge II].” Finally, the complainant contends that she sent a “communication to [subject judge II] on non randomly selected judge assigned to cases.”

To the extent the complainant alleges that subject judge I engaged in ex parte communications with the U.S. Attorney, that allegation is without merit. The complainant has failed to provide any evidence of judicial misconduct other than the U.S. Attorney’s statement in an email communicating that the government was going to wait to see how the court ruled and that he did not anticipate having to send her any documents “in the immediate future.” These statements do not suggest that the U.S. Attorney had any ex parte communications with subject judge I. Thus, the complainant’s

allegation of ex parte contacts “lacks sufficient evidence to raise an inference that misconduct has occurred.” *See* JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent the complainant is alleging that subject judge I improperly delayed consideration of her first case, that claim is also without merit. Because the complainant filed a motion to strike the motion to dismiss, and the defendants filed an opposition to the motion to strike, consideration of the motion to dismiss was not ripe until the opposition to the motion to strike was filed. Regardless, “[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.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(2). The complainant has not alleged habitual delay. Insofar as the complainant alleges that subject judge I’s delays were the result of an improper motive, she appears to claim that subject judge I had an “improper interest” in her second case and delayed consideration of her first case in order to have the second case assigned to him. As further evidence of the alleged improper motive, the complainant claims that her two cases were improperly classified as related. The complainant, however, has failed to provide any evidence of an improper motive other than her own belief that subject judge I had an “improper interest” in her second case. It was another district court judge, not subject judge I (or subject judge II) who determined that the cases were related and thus should be assigned to subject judge I. The complainant’s generalized allegations of

improper motive thus “lack[] 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).

To the extent the complainant is alleging misconduct by subject judge II, any such allegations are without merit. Subject judge II had no role in the consideration of the complainant’s complaints. Moreover, even if the complainant wrote to subject judge II complaining about the alleged non-random assignment of her cases, that is not itself evidence of misconduct and the complainant provided no evidence to suggest that subject judge II had any role in the assignment of her cases. Therefore, the allegations against subject judge II “lack[] 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).<sup>1</sup>

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<sup>1</sup> 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).