

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

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

Complaint No. DC-24-90038

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: April 16, 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, this misconduct complaint will be dismissed.

The complainant filed a Freedom of Information Act case against a government agency and the secretary of that agency. The complainant moved for leave to proceed in forma pauperis (“IFP”). Concluding that the complainant had failed to demonstrate his inability to pay the filing fee or provide security, the district court denied complainant’s IFP motion and ordered the complainant to pay the filing fee within 30 days “or suffer dismissal of the case without prejudice.” Instead of paying the filing fee, the complainant moved for reconsideration and filed a second IFP motion. The subject judge denied the complainant’s second IFP motion and dismissed the case without prejudice. The complainant appealed, and a third district court judge granted him IFP status for purposes of the appeal. The Court of Appeals affirmed the subject judge’s orders denying IFP status and dismissing the complaint. The court concluded that the subject judge appropriately dismissed the complaint without prejudice, and the court further determined that the subject judge had not abused her discretion in denying the complainant’s motion for leave to proceed IFP.

The complainant has now filed a judicial misconduct complaint against the subject judge. While the bulk of the complaint focuses on the merits of the complainant’s

underlying case, the complainant references the subject judge in three places. First, the complainant alleges that “[u]pon dismissal of this matter, rather than addressing the facts raised for review, [the subject judge] preferred to engage in *ad hominem* attacks, generally not an acceptable substitute for legal argument.” Second, the complainant claims that the subject judge “has engaged ‘in a demonstrably egregious and hostile manner’, . . . arguably through ‘intentional discrimination, . . . but more significantly evincing a retaliatory motive.’” Finally, the complainant asserts that “[a]s evidenced in the record, [the subject judge] has ‘erected a novel prudential standing principle in order to avoid reaching the merits of the constitutional claim.’”

To the extent the complainant alleges that the subject judge engaged in *ad hominem* attacks against him and acted in a hostile and egregious manner, the complainant has failed to identify which language he considers to be offending or explain how the subject judge’s actions were hostile or egregious. Because these allegations lack any support apart from the complainant’s own beliefs, the allegations “lack[] 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 challenging the subject judge’s basis for dismissing his complaint, that allegation amounts to a direct challenge to the merits of the subject judge’s order. “Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge – without more – is merits-related.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1) Commentary ¶ 12; *see id.* 11(c)(1)(B);

28 U.S.C. § 352(b)(1)(A)(ii). Such an allegation does not constitute “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.* Thus, this allegation is 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).

Accordingly, because the complaint is “directly related to the merits of a 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 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).