

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

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

Complaint No. DC-24-90039

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a magistrate 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 magistrate judge of the United States District Court for the District of Columbia. For the following reasons, this misconduct complaint will be dismissed.

The complainant was employed by a government agency and his primary responsibility was responding to "webmail inquiries" submitted by the public to the agency. In March 2019, the complainant's direct supervisor discovered that their office had developed a backlog of webmail inquiries. The supervisor expressed his concerns about the backlog to complainant and tasked three other employees with assisting the complainant in reducing the backlog. Over the next several months, the backlog increased, and the supervisor repeatedly instructed complainant to address the backlog. In the meantime, the complainant filed an Equal Employment Opportunity ("EEO") complaint alleging that the supervisor, with "the intent" to place the complainant on a performance improvement plan ("PIP"), had subjected him to a hostile work environment by retaliating and discriminating against him based on age, sex, and his prior filing of complaints.

The supervisor subsequently placed the complainant on a PIP for unacceptable performance. After the PIP period, the supervisor proposed removing the complainant for unacceptable service, and the deciding official for the proposed removal issued a decision to implement the removal. The complainant's employment was then officially

terminated. The complainant filed a second EEO complaint raising allegations of ongoing discriminatory treatment based on age and sex, retaliation for his prior EEO activity, and wrongful termination.

The complainant subsequently filed a complaint in the district court against the agency's administrator, alleging wrongful termination. The parties consented to proceed before a U.S. magistrate judge for all purposes, and the case was assigned to the subject judge. After the conclusion of discovery, the government filed a motion for summary judgment. While the summary judgment motion was pending before the subject judge, an Equal Employment Opportunity Commission ("EEOC") administrative judge issued a ruling as to the complainant's first EEO complaint, concluding that the complainant had "established by a preponderance of the evidence that he was subjected to a hostile work environment based on his sex and prior EEO activity, and placed on a PIP in reprisal for his prior EEO activity." The administrative judge also dismissed the claim that the complainant had been harassed based on his age.

After the EEOC issued its decision, the complainant filed in the district court a "motion for issue preclusion and for a stay on the opposition for summary judgment on the issues that remain on summary judgment per the EEOC case that found in the Plaintiff's favor." The judge denied the complainant's motion for a stay and directed him to include any issue preclusion arguments in his opposition to the summary judgment motion.

The judge ultimately granted the agency's motion for summary judgment. First, the court concluded that issue preclusion did not apply to this case because the EEOC's ruling addressed whether the PIP was valid whereas the issue before the court was whether the agency had articulated legitimate nonretaliatory and nondiscriminatory reasons for removing the complainant. Second, the judge determined that the agency had presented legitimate nondiscriminatory and nonretaliatory reasons for the complainant's termination: poor work performance and failure to follow supervisory instructions. Third, the judge decided that the complainant had not provided sufficient evidence by which a reasonable jury could find that the agency's stated reasons for his termination were pretext for discrimination and retaliation.

The complainant timely appealed the subject judge's summary judgment decision and, in his initial submissions, indicated that he also was appealing the judge's denial of his stay motion. The agency moved for summary affirmance of both decisions. The court of appeals granted the motion for summary affirmance, concluding that the complainant had waived his right to challenge the order denying his stay motion and that the subject judge had correctly granted summary judgment in favor of the agency.

The complainant has now filed a judicial misconduct complaint against the subject judge, alleging that the judge is biased and has done "everything he could to ensure he sided with the government, including making false statements to support his decision and disregarding all of the evidence my lawyer submitted in support of my case." The

complaint identifies all of the places in the judge's memorandum granting summary judgment that, in the complainant's view, demonstrate that summary judgment was improperly granted. The complainant further claims that the only explanation for why the judge "dismiss[ed] my evidence and rel[ied] exclusively on the government's narrative to deny my Seventh Amendment right to a jury trial" is "ideological bias." The complainant asserts that "[v]arious sources of online information make it clear that [the judge] is left-leaning, at least." He further claims that the "DOJ lawyers signaled to [the judge] that he must find against me . . . [and that the judge], a former DOJ attorney, obliged his comrades and ruled solely on their version of events."

The complainant's allegation that the subject judge improperly granted summary judgment amounts to a direct challenge to the merits of the judge's decision. "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.*

The complainant also contends that the subject judge harbors an "ideological bias" and that the judge ruled as he did because he was a former DOJ attorney and showed favoritism towards his "comrades." The complainant, however, has failed to provide any evidence of bias other than asserting his own beliefs. The fact that the judge ruled in favor in the defendants, who were represented by DOJ lawyers, is not in and of itself

evidence of bias. Thus, the complainant’s allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

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).