

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

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

**Complaint No. DC-24-90040  
DC-24-90041  
DC-24-90042**

Before: Srinivasan, Chief Judge

**ORDER**

Upon consideration of the complaint herein, filed against three judges of the United States Court of Appeals for the District of Columbia Circuit, 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 25, 2025

No. DC-24-90040  
No. DC-24-90041  
No. DC-24-90042

### **MEMORANDUM**

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

The complainant was charged with drug distribution offenses. Following a jury trial, the complainant was convicted and sentenced to 20 years of imprisonment. The complainant appealed, and the court of appeals affirmed.

The complainant then filed in district court a pro se motion that the court construed as seeking relief under 28 U.S.C § 2255. Among other things, he argued that a May 20, 2012 wiretap of a conversation between him and a co-conspirator was unlawful. The district court denied the § 2255 motion but granted a certificate of appealability on the wiretap issue. The complainant appealed the denial of his § 2255 motion. The complainant also filed a motion alleging that prosecutors in the underlying criminal case falsified documents regarding the May 20, 2012 wiretap, along with a motion for release pending appeal. A panel of the court of appeals denied the motion for release pending appeal and the motion alleging that the prosecutors falsified documents.

Another panel of the court of appeals, consisting of the three subject judges, affirmed the district court's order denying the complainant's motion for relief under § 2255. The subject judges noted that the district court concluded that the complainant's claims based on a May 20, 2012 wiretap were procedurally defaulted and that he had shown neither cause and prejudice nor

actual innocence to overcome the default. The judges concluded that the complainants had forfeited any challenge to the district court’s conclusion by failing to raise it in his opening brief. The judges further noted that, to the extent that the complainant sought to raise additional claims on appeal, the court did not consider them because they were outside the scope of the district court’s certificate of appealability and either did not involve the denial of a constitutional right or were first raised on appeal. *See* 28 U.S.C. § 2253(c); *Waters v. Lockett*, 896 F.3d 559, 571–72 (D.C. Cir. 2018). The court of appeals subsequently denied the complainant’s petition for rehearing en banc and his motion to recall the mandate.

The complainant has now filed a judicial misconduct complaint against the subject judges. The complainant alleges that the judges “abuse[d] their power and . . . [were] bias[ed].” More specifically, the complainant claims that the judges “refuse[d] to address” certain issues and improperly allowed the government to avoid responding to certain claims. The complainant further asserts that the judges “violated [his] constitutional right to a fair appeal[],” were “bias[ed] in their ruling,” “committed misconduct against [the complainant] in their decision also by committed prejudice in this case,” and “refuse[d his] request for appointment of counsel.”

To the extent the complainant is challenging the subject judges’ refusal to address issues in his appeal, their having ostensibly committed misconduct in their decision against him, or the denial of his request for appointment of counsel, those allegations amount to a direct challenge to the merits of the court’s decisions. “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.* With respect to the

complainant's allegation that the subject judges were biased or prejudiced against him, the complainant has provided no supporting evidence for those claims. The complainant's generalized allegations of bias or prejudice fail "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 "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).<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).