

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

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

Complaint No. DC-24-90051

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 30, 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 was convicted of RICO conspiracy and other offenses and sentenced to life imprisonment. The court of appeals affirmed his convictions on appeal. The subject judge subsequently denied the complainant's motion pursuant to 18 U.S.C. § 2255 to vacate, set aside, or correct his sentence, and the court of appeals denied the complainant's motion for a certificate of appealability. Several years later, the complainant mailed to the district court two motions: (i) a First Step Act motion he sent in March 2024, and (ii) a Rule 60(b) motion he sent in June 2024. In September 2024, after noting that the motions had not yet been filed in the district court, the complainant filed a petition for writ of mandamus with the court of appeals, seeking an order directing the district court to file his motions. The court of appeals denied the petition without prejudice to refile, explaining that the complainant had "not shown that the district court's delay in docketing his submissions is so egregious or unreasonable as to warrant the extraordinary remedy of mandamus." The court stated: "We are confident that the district court will act as promptly as its docket permits."

While the mandamus petition was pending, the complainant filed a judicial misconduct complaint, alleging that the subject judge's "continued failure to acknowledge, docket, accept, and answer any of [his] motions has effectively denied [his]

access to the court, and [is] a violation of [his] Constitutional rights.” The complainant further contends that he “believe[s] the Clerk’s Office acted on [the judge’s] orders as: The Clerk’s Office unresponsiveness and failure to follow local rules suggest coordination with [the judge and the judge’s] silence on my motion implies acquiescence or direction with the Clerk’s Office.” The complainant also claims that the judge’s “actions create[] an appearance of bias, undermining my right to a fair and impartial judicial process.”

The record does not reflect whether the motions mailed to the Clerk’s Office in March and June 2024 were received by the Clerk’s Office or the court. In September 2024, the subject judge separately received the motions after the complainant mailed a copy directly to the judge’s chambers. The motions were received, however, just three days before the unexpected passing of the judge’s wife. In December 2024, the judge entered an order directing that the materials be filed. The judge’s order noted that, “shortly after [his] wife’s unexpected death,” he had received a copy of the complainant’s mandamus petition asking for the motions to be filed.

Especially in light of the circumstances faced by the subject judge during this time, there is no basis for supposing—and the complainant has not provided any reason to conclude—that the time between the subject judge’s receipt of the motions in September 2024 and their filing in December 2024 evidences any judicial misconduct. As for the period before September 2024, even assuming that the motions sent in March and June 2024 were in fact received by the Clerk’s Office, the complainant has not shown

that any delay in their filing was the result of any actions taken by the subject judge: the record, as noted, does not indicate whether the motions were received by the Clerk's Office, and it thus necessarily contains no indication that the motions were forwarded by the Clerk's Office to the subject judge.

Moreover, "[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." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(b)(2). The complainant has not identified delay in a "significant number of unrelated cases," and insofar as he alleges that the subject judge's delays were the result of bias, as noted previously the complainant has failed to provide any evidence of bias. *See* JUDICIAL-CONDUCT PROCEEDING 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).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).