

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

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

**Complaint No. DC-25-90009
DC-25-90010
DC-25-90011
DC-25-90012**

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 and 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: February 13, 2026

No. DC-25-90009
No. DC-25-90010
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MEMORANDUM

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

The complainant filed a pro se complaint in D.C. Superior Court asserting a libel claim against a government attorney based on representations the attorney made in a motion to dismiss filed in the complainant's earlier district court case. The government certified that the attorney was acting within the scope of his official duties, which caused the attorney to be dismissed from the action and the United States to be substituted as the defendant under the Westfall Act, 28 U.S.C. § 2679(d)(2). The United States then removed the case to district court, where it is governed by the Federal Torts Claim Act (FTCA). The subject district court judge rejected the complainant's challenge to the Westfall Act certification, denied the complainant's motion to remand, and dismissed the case for lack of subject matter jurisdiction under the intentional torts exception to the FTCA's sovereign immunity waiver. On appeal, the complainant sought summary reversal and the United States moved for summary affirmance. The court of appeals panel, made up of the three subject appellate judges, denied the motion for summary reversal and granted the motion for summary affirmance, concluding that the district court correctly denied the complainant's motion to remand and correctly dismissed the case.

The complainant has now filed a judicial misconduct complaint against the four subject judges. The complainant alleges that the subject district court judge's decision was an "improper application of 28 U.S.C. § 1447(c)" and that all of the subject judges engaged in a "grossly insufficient review of the Westfall Certification" and "improper burden shifting," failed to "examine specific defamatory content," "systematic[ally] deni[ed] . . . access to state court remedies," "disregard[ed] . . . mandatory statutory language," and "fail[ed] to address uncontested defamation." The complainant further alleges that the subject judges "wast[ed] court resources" and "damage[d] . . . the reputation of the courts."

To the extent the complainant is alleging that the subject district court judge improperly dismissed his complaint and that the subject appellate judges improperly granted the motion for summary affirmance, those allegations are a direct challenge to the merits of the judges' 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 allegations do not constitute "[c]ognizable misconduct" under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.*

With respect to the complainant's allegations that the judges wasted court resources and damaged the reputation of the courts, those generalized allegations of misconduct "lack[] 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). The complainant has failed to provide any evidence of wrongdoing apart from his own unsupported beliefs.

Accordingly, because the complaint is "directly related to the merits of [the judges'] decision[s]" 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).