

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-16-90011

A CHARGE OF JUDICIAL
MISCONDUCT OR DISABILITY

Before: HENDERSON, *Circuit 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. See 28 U.S.C. § 352(b)(1)(A)(iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D).

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 11(g)(2).

KLH
Karen LeCraft Henderson, Circuit Judge
District of Columbia Circuit

Date: 4/22/2016

* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

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.

Complainant has been charged in district court with various federal offenses. Complainant was initially released into the Pretrial Services Agency's High Intensity Supervision Program, but the subject judge ordered the complainant into custody to undergo a competency evaluation. After the evaluation determined that he was competent to stand trial, complainant filed a motion for release from custody. The subject judge granted the motion on the same day that it was filed.

Complainant has now filed a judicial misconduct complaint against the subject judge, alleging the judge improperly discussed the case with complainant's counsel and ordered complainant detained for improper purposes, such as to coerce him into pleading guilty. The complaint, however, provides no evidence of this alleged misconduct. Complainant also alleges the subject judge ordered him detained because the judge is biased against minorities, as demonstrated by the fact that the judge overturned the convictions of two white defendants and imposed lenient sentences on white defendants who were convicted of money laundering. The treatment of these defendants in unrelated cases, however, is insufficient to show that the decision to detain complainant for a competency hearing was the result of racial bias. Because the complaint is therefore "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred," the Judicial-Conduct Rules require that it "be

dismissed.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, RULE 11(c)(1)(D); see 28 U.S.C. § 352(b)(1)(A)(iii).²

² Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY 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 of the date of the dismissal order. *Id.* Rule 18(b).