The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

A Charge of Judicial Misconduct or Disability

Judicial Council Complaint No. DC-13-90010
DC-13-90011
DC-13-90012
DC-13-90013

Before: GARLAND, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against three Magistrate Judges and one District Judge of the United States District Court for the District of Columbia pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 and the Judicial Conference of the United States Rules for Judicial-Conduct and Judicial-Disability Proceedings, it is

ORDERED, for the reasons stated in the attached Memorandum, that the complaint be dismissed. *See* 28 U.S.C. § 352(b)(1)(A)(ii) & (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(C) & (D).

The Clerk 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 11(g)(2).

Merrick B. Garland, Chief Judge
District of Columbia Circuit

Date: 4-11-13

MEMORANDUM

The complainant alleges that three Magistrate Judges and one District Judge of the United States District Court for the District of Columbia have engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Specifically, the complainant alleges that the subject judges wrongly convicted and sentenced the complainant's aunt. For the following reasons, this allegation does not warrant action against the subject judges.

Other than simply stating that the subject judges wrongfully convicted the complainant's relative, and that she knows this "for a fact," the complainant has failed to provide any specific evidence of wrongdoing on the part of any of the subject judges. Therefore, the allegation against the subject judges lacks any credible evidence to raise an inference that judicial misconduct has occurred. *See* U.S.C. 352(b)(1)(A)(iii) and Jud. Conf. U.S., Rules for Judicial-Conduct and Judicial-Disability Proceedings 11(c)(1)(D). Moreover, the allegation is more appropriately categorized as a direct challenge to the subject judges' decisions. The appropriate avenue to obtain relief from alleged erroneous rulings is not a judicial misconduct proceeding. *See* 28 U.S.C. § 352(b)(1)(A)(ii) (providing for dismissal of a complaint that is "directly related to the merits of a decision or procedural ruling"); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B) ("A complaint must be dismissed in whole or in part to the extent that the chief judge concludes that the complaint . . . is directly related to the merits of a decision or procedural ruling.").

Accordingly, because the complainant's allegation lacks sufficient evidence to raise an inference that misconduct has occurred and is directly related to the merits of the subject judges' decisions, the complaint must be dismissed.[1]

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[1] Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY PROCEEDINGS 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 Clerk of the Court of Appeals within 35 days of the date of the Clerk's letter transmitting the dismissal Order and this Memorandum. *Id.* R. 18(b).