

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-23-90018

Before: Srinivasan, Chief Judge

**ORDER**

Upon consideration of the complaint herein, and a supplement thereto, 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: December 28, 2023

**MEMORANDUM**

The complainant has filed a complaint of judicial misconduct, and a supplement thereto, 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 alleges that he was fired from his job for his role as a whistleblower. He sued the security company that provided security services for the employer, asserting various tort claims, including defamation. The subject judge granted the security company's motion to dismiss for failure to state a claim, but subsequently granted the complainant's motion for reconsideration and reinstated the defamation claim. Because the complainant was proceeding without counsel, the judge entered an order requiring the complainant to "seek leave of the Court for all future filings until he retains an attorney." During the course of the litigation, the complainant has filed multiple interlocutory appeals and petitions for a writ of mandamus, all of which have been unsuccessful.

While the interlocutory appeal and mandamus petitions were pending, the complainant filed his first misconduct complaint against the subject judge, asserting that the judge demonstrated bias against him by "unlawfully backdating docket entries"; "denying all his 'leave to file' and denying his Motions without even docketing his replies"; "retaliating against Plaintiff's . . . Interlocutory Appeal by staying the case for one year"; "Harassing Plaintiff and engaging in a pattern of delays to exhaust him . . . and manipulating the docket"; "treating Plaintiff in a demonstrably egregious and hostile manner and discriminating against him by refusing to docket his documents"; and "ma[king] false representation[s]" about the docketing

of filings. The complaint was dismissed because: the allegations directly related to the merits of the subject judge's decisions; the allegation of delay did not identify a significant number of unrelated cases or an improper motive for delay; the generalized allegations of bias, harassment, and discrimination lacked sufficient evidence; and the allegations of docket manipulation lacked sufficient evidence. *See In re: Judicial Misconduct Complaint*, No. DC-21-90054 (February 17, 2022).

Since then, the case has proceeded in the district court. The subject judge denied the complainant's motion for default judgment, finding that the complainant had not followed the process for seeking a default judgment. The judge also denied the security company's motion for leave to permit a late filing of their answer to the complaint, finding that they had not shown good cause for the excusable neglect. The Clerk's Office subsequently entered an order of default after the complainant properly sought an order of default. Several month later, the subject judge denied the complainant's seventh motion to disqualify the judge for the reasons stated in a prior order denying recusal. After the judge denied leave to file numerous pleadings, the complainant filed another appeal of the judge's orders denying leave to file. That appeal was ultimately dismissed for lack of jurisdiction.

Most recently, the subject judge granted the security company's motion for reconsideration of the order denying it leave to file a late answer to the complaint and vacated the Clerk's entry of a default judgment. The security company has now filed its answer to the complaint and the case is once again proceeding, albeit before a newly assigned judge.

The complainant has now filed his second judicial misconduct complaint and a

supplement thereto. The complainant alleges that the subject judge has demonstrated bias against him by “maliciously refusing to dispose of judicial matters promptly, efficiently and fairly;” treating him in a “demonstrably egregious hostile and discriminatory manner;” “intentionally manipulating the docket with misleading entries, unlawfully suppressing or sealing documents;” “refusing to rule on this defamation case;” “systematically denying all my leave to file amended complaint;” “denying . . . access to district and appeals courts to reopen discovery;” and for “[d]enying my 7th Motion for Recusal.” These allegations resemble the allegations presented in the earlier judicial misconduct complaint.

As was the case with the prior judicial misconduct complaint, this complaint is largely based on allegations challenging the subject judge’s rulings on various motions for leave to file. Such allegations are “directly related to the merits of a decision or procedural ruling,” and thus cannot give rise to a finding of judicial misconduct. *See* JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii).

With respect to the complainant’s allegation that the subject judge has refused to rule on the case, “[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.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(2). As was the case with the prior judicial misconduct complaint, the complainant again has not identified a “significant number of unrelated cases,” and insofar as he alleges that the subject judge’s delays are the result of an improper motive, the complainant alleges only conclusorily that the judge was biased against him. Similarly, the complainant’s

generalized allegations that the subject judge treated him in a hostile or discriminatory manner “lack[] sufficient evidence 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).

To the extent that the complainant again asserts that the subject judge has continued to “manipulate the docket” or improperly refused to docket the complainant’s filings, those allegations again either “lack sufficient evidence to raise an inference that misconduct has occurred” or are “directly related” to the subject judge’s decisions whether to grant leave to file. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B) & (D); 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

Accordingly, because the complaint “is directly related to the merits of [the judge’s] 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).<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).