

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-13-90031

**A Charge of Judicial
Misconduct or Disability**

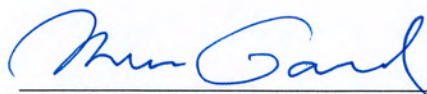
Before: GARLAND, Chief Judge of the Circuit

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 Clerk 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).



Merrick B. Garland, Chief Judge
District of Columbia Circuit

Date: _____

11/4/13

MEMORANDUM

The complainant alleges that a judge of the United States District Court for the District of Columbia engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. The complainant's allegations arise out of a Freedom of Information Act complaint, filed in the district court, that was assigned to the subject judge. For the following reasons, this allegation does not warrant action against the subject judge.

The complainant alleges that the judge "willfully permitted the AUSA . . . to CONCEAL (4) federal agencies' Declaration Documents from (Pro-se) Plaintiff" and "willfully REFUSED to make written contact with the (Pro-se) Plaintiff." But the complainant has failed to provide any evidence that the judge acted inappropriately. The complainant has not proffered any evidence of an alleged conspiracy between the judge and the Assistant U.S. Attorney. Moreover, the judge has now issued several orders in the case and thus has had written communication with the complainant. These allegations therefore fail to provide specific evidence of wrongdoing on the part of the subject judge and thus lack sufficient evidence to raise an inference that judicial misconduct occurred. *See* U.S.C. § 352(b)(1)(A) (iii); Jud. Conf. U.S., Rules for Judicial-Conduct and Judicial-Disability Proceedings 11(c)(1)(D).

Because the complainant's allegations lack sufficient evidence to raise an inference that misconduct has occurred, the complaint must be dismissed.¹

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).