

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-15-90030

**A Charge of Judicial  
Misconduct or Disability**

Before: GARLAND, *Chief 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.

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).



Merrick B. Garland, Chief Judge

Date: 1/20/16

## 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.

The complainant pled guilty to conspiracy to defraud the government by making false statements to obtain loans insured by the Federal Housing Administration. In April 2005, he was sentenced to 26 months' imprisonment, followed by three years' supervised release. The district court also ordered him to pay restitution in the amount of \$279,495 and to pay a \$40,000 fine. The United States Court of Appeals affirmed the sentence in January 2008.

In November 2008, the complainant filed a request in the district court, asking the court to reduce the amount of restitution imposed as part of his sentence. In an order dated November 20, 2008, the subject judge denied the request on the ground that, under the Federal Rules of Criminal Procedure, the court lacked authority to modify the sentence. In April 2010, the complainant's "request [for] prompt and positive government action," dated December 29, 2009, was docketed in the district court. Attached thereto was a statement asking the court to terminate the balance of his remaining outstanding payments. The subject judge denied the request, citing the judge's November 20, 2008 order.

The complainant has now filed a judicial misconduct complaint against the subject judge, contending that the judge "punished me judicially and with malice retaliated

against me for exercising my civil rights by writing the attached letter of December 29, 2009.” The complaint proffers neither a description of the alleged punishment and retaliation, nor any evidence thereof. 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).<sup>1</sup>

---

<sup>1</sup> Pursuant to 28 U.S.C. § 352(c) and Judicial-Conduct 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 Circuit Executive’s letter transmitting the dismissal Order and this Memorandum. JUDICIAL-CONDUCT RULE 18(b).