

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of  
A Complaint of Judicial  
Misconduct or Disability**

**Complaint No. DC-21-90008  
No. DC-21-90009  
No. DC-21-90010  
No. DC-21-90011  
No. DC-21-90012  
No. DC-21-90013  
No. DC-21-90014  
No. DC-21-90015  
No. DC-21-90016  
No. DC-21-90017  
No. DC-21-90018  
No. DC-21-90019**

Before: Srinivasan, Chief Judge\*

**ORDER**

Upon consideration of the complaint herein, filed against eleven judges of the United States Court of Appeals for the District of Columbia Circuit and one retired judge of the United States Court of Appeals for the District of Columbia Circuit, 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 judges, and the Judicial Conference Committee

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\* Pursuant to JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 25(f), the Judicial Council has voted to allow Chief Judge Srinivasan to consider this complaint.

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: 5/25/21

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### MEMORANDUM

The complainant has filed a complaint of judicial misconduct against eleven judges of the United States Court of Appeals for the District of Columbia Circuit, and one retired judge. For the following reasons, the misconduct complaint will be dismissed.

The complainant filed a complaint in district court against an agency and Administrative Law Judge; a federal Court of Appeals, including the Chief Judge, “all en banc Judges” and the Clerk of the Court; and the Supreme Court and a staff member. The complaint alleged constitutional violations and sought monetary damages. The district court judge granted the complainant’s motion for leave to proceed in forma pauperis (IFP) and *sua sponte* dismissed the complaint without prejudice under 28 U.S.C. §§ 1915(e)(2)(B)(iii), because the complaint sought “monetary relief against [] defendant[s] who [are] immune from such relief.” The district court judge explained that judges and court staff are immune from damage suits relating to judicial actions and that constitutional tort claims against the government and its agencies are barred by sovereign immunity. Nearly three months later, the complainant submitted an amended

complaint which the district court judge denied leave to file, stating that the case was dismissed.

The complainant then filed a motion to proceed IFP and petition for writ of mandamus with the Court of Appeals, arguing that the district court judge's failure to docket his amended complaint violated his First Amendment rights. The Court of Appeals, made up of three of the subject judges, granted the motion to proceed IFP and denied the mandamus petition. The court determined that the complainant had not shown a clear and indisputable right to mandamus relief. The court further noted that granting the complainant leave to file the specific complaint would be futile because the amended complaint sought monetary damages from defendants, all of whom were immune from suit. Furthermore, the extent the complainant sought to amend his complaint to allege that agency counsel engaged in some wide-ranging conspiracy, the court found that claim frivolous. The complainant subsequently sought rehearing and rehearing en banc, both of which were denied.

The complainant then filed a judicial misconduct complaint against the district court judge, which was dismissed as lacking sufficient evidence to raise an inference that misconduct has occurred." *In the Matter of a Complaint of Judicial Misconduct or Disability*, No. DC-20-90055 at 2. The complainant also filed a judicial misconduct complaint against the three Court of Appeals judges who made up the panel which denied the complainant's mandamus petition, and that complaint was also dismissed as lacking sufficient evidence. *See In the Matter of a Complaint of Judicial Misconduct or Disability*, Nos. DC-20-90057 through 90059. The complainant has now filed a complaint against the en banc court which considered his petition

for rehearing en banc. Once again, the complainant alleges that the “judges are guilty of conspiracy joining a conspiracy to cover up the fact that judges below them were in the absence of complete jurisdiction to issue any order.... The judges have conspired with the [agency], [a federal Court of Appeals] and the Supreme Court, and now the DC Circuit.”

As was the case with the complainant’s prior misconduct complaints, the complainant’s assertion in the instant complaint that the subject judges conspired with the defendant agency, a federal Court of Appeals, and the Supreme Court, lacks support other than the complainant’s own beliefs. Thus, this complaint is likewise “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” and will be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent the complaint alleges wrongdoing on the part of the subject judge in No. DC-21-90012, that portion of the complaint will be concluded because “intervening events” – the judge’s retirement from office – “make remedial action impossible as to [that] subject judge.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(e) & Rule 11 Commentary ¶ 19.<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).