

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaints No. DC-23-90037
No. DC-23-90038
No. DC-23-90039
No. DC-23-90040

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against four judges 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 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 (2019), RULE 11(g)(2).


Sri Srinivasan, Chief Judge

Date: December 28, 2023

No. DC-23-90037
No. DC-23-90038
No. DC-23-90039
No. DC-23-90040

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against four judges of the United States District Court for the District of Columbia. For the following reasons, the misconduct complaint will be dismissed.

The complainant, a resident of California, filed a “Complaint for a Civil Case Alleging Negligence” which appeared to focus on the treatment of the complainant’s petitions to the Supreme Court for a writ of certiorari. Subject judge 1 issued an order directing the complainant to file an amended complaint containing her full residence address in its caption, or alternatively, a motion setting forth reasons to use a P.O. Box address. After filing a motion seeking to use her P.O. Box, subject judge 2 granted the motion. That same day, subject judge 2 issued an order and opinion dismissing the complainant’s case with prejudice. Subject judge 2 determined that the court lacked jurisdiction to the extent the complainant sought to compel action by the Supreme Court or its staff. Subject judge 2 further held that, to the extent the complainant was suing the United States under the Federal Torts Claim Act for actions involving “Federal Judiciary Personnel,” the complaint was barred by judicial immunity. Because there were no “allegations of other facts” that could remedy the defects in the complaint, subject judge 2 dismissed the complaint with prejudice. The complainant then sought reconsideration of the dismissal order, which a different district court judge denied. When the complainant then tried to file a “Notice of Ongoing Concealment,” subject judge 3 denied leave to file.

The complainant has now filed the instant judicial misconduct complaint against four district court judges—the previously mentioned subject judges and a fourth judge, subject judge 4. The complainant specifically alleges that the “four judge’s [sic] refused to give the case an assigned judge, and four judge’s [sic] tried to oppress the plaintiff while refusing to give any order, or orders to amend.” The complainant further alleges that “[a]ll four judges took turns closing the case . . . [and] have been rude, threatening, abusive by their staff and instructed their staff not to help me.” Finally, she claims that all of the judges retaliated against her, “refused the filings to be placed on the record, and closed it without the facts or any hearing.” As to subject judge 4, she alleges that he has “not responded for months.”

In challenging the dismissal of her complaint or the refusal to accept pleadings, the complainant is directly challenging the merits of orders issued by subject judges 1, 2, and 3. “Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge – without more – is merits-related.” JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(b)(1) Commentary ¶ 12. Such an allegation does not constitute “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.* Rule 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

To the extent the complainant is asserting that subject judges 1, 2, and 3 have somehow mistreated her, retaliated against her, or otherwise threatened or were abusive towards her, those allegations are without merit. The complainant has failed to provide any evidence of judicial misconduct other than her own unsupported beliefs. Thus, these allegations “lack[] sufficient evidence to raise an inference that misconduct has occurred.” *See* JUDICIAL-CONDUCT

PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent the complainant alleges that subject judges 1, 2, and 3 committed misconduct because her case remained “unassigned” until it was dismissed, that allegation does not support a finding of judicial misconduct. The assignment of cases to judges in the district court is performed by the Clerk of Court and not the judges themselves. *See* U.S. District Court Local Rule 40.1. (“The assignment of cases to judges of the Court shall be performed by the Clerk under the direction of the Calendar and Case Management Committee.”). Thus, this allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” *See* JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

As for subject judge 4, the complainant simply asserts that he has not responded to her. Like the other allegations, this allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” *See* JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, because the complaint “is directly related to the merits of [the judges’] 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).¹

¹ 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).