

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-23-90017

Before: Srinivasan, 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 (2019), RULE 11(g)(2).

  
Sri Srinivasan, Chief Judge

Date: December 28, 2023

**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 was charged with six criminal counts related to wire fraud. He moved to dismiss the indictment, and he filed the motion pro se despite the fact that he was represented by appointed counsel. The subject judge granted leave to file the pro se motion. The complainant's counsel subsequently notified the subject judge that the complainant intended to withdraw the motion, but it does not appear that the motion was ever withdrawn or treated as withdrawn by the court. Later, the complainant filed, through counsel, a motion for a bill of particulars, which the district court denied. Although he was still represented by counsel, the complainant then filed a pro se notice of appeal of the denial. The complainant moved to stay the district court and court of appeals proceedings. The court of appeals denied the motion, noting that, to the extent it included a request to recuse the district court judge, that request was being denied because the complainant had not demonstrated a valid ground for recusal. The court of appeals ultimately dismissed the appeal for lack of prosecution.

Meanwhile, the complainant's counsel appointed under the Criminal Justice Act -- his fourth counsel -- moved to withdraw from the case based on disagreements with the complainant. The subject judge held the motion to withdraw in abeyance. The judge determined that good cause did not exist to allow the complainant to receive a fifth appointed attorney and that the complainant would have to represent himself or retain his own counsel if

he decided not to be represented by his current attorney. The judge then held a status conference and hearing pursuant to *Faretta v. California*, 422 U.S. 806 (1975), to determine whether the complainant could proceed pro se. The judge ultimately denied the motion to withdraw.

The government then moved to revoke the complainant's pretrial release, arguing that he had not abided by the conditions of his release. The subject judge required that the complainant be detained pending trial. Shortly thereafter, the complainant's attorney filed a second motion to withdraw. The subject judge ultimately granted the motion to withdraw and allowed the complainant to represent himself, noting that standby counsel would be appointed.

While the first motion to withdraw was being held in abeyance, the complainant filed the instant judicial misconduct complaint. The complaint seeks the subject judge's "recusal due to impartiality and financial conflict of interest." To the extent the complainant alleges a financial conflict of interest, as the title of his misconduct complaint suggests, the body of the complaint references no such allegation and contains no evidence supporting such a claim. Any such allegation thus lacks "sufficient evidence to raise an inference that misconduct has occurred." 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 complainant asserts that the subject judge has breached the duty of impartiality, the complainant again fails to provide any support for that allegation other than his own beliefs. The complainant states that the subject judge has "demonstrated numerous

times that he will sanction me for things that are not my fault.” As ostensible examples, the complainant observes that the subject judge: violated his Sixth Amendment rights by reviewing his pleadings before they could be docketed with the Clerk; improperly forced him to proceed pro se; failed to rule on his motion to dismiss the indictment; improperly denied his motion for a bill of particulars; and improperly stated that he would deny any motion for stay pending appeal. Those allegations directly challenge the subject judge’s decisions, and thus “call[] into question the correctness of [the] judge’s ruling[s].” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1). Such allegations do not constitute “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.*; *see* 28 U.S.C. § 352(b)(1)(A)(ii).

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