

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-20-90011

A CHARGE OF JUDICIAL
MISCONDUCT OR DISABILITY

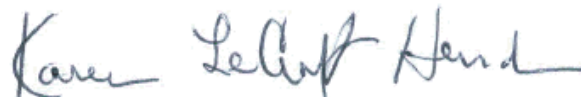
Before: HENDERSON, *Circuit Judge**

ORDER

Upon consideration of the complaint herein, filed against a 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 a copy 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).



Karen LeCraft Henderson, Circuit Judge
District of Columbia Circuit

Date: May 15, 2020

* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

MEMORANDUM

Complainant has filed a complaint of judicial misconduct against a judge of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the misconduct complaint will be dismissed.

The subject judge recently announced his retirement from the bench. Complainant asks this court to conduct an inquiry into the circumstances of the judge's retirement. Complainant suggests that, if the judge accepted anything of value in exchange for his retirement, or if he coordinated his retirement with members of the United States Senate for a political purpose, the judge's conduct could give rise to a finding of judicial misconduct. Complainant provides no evidence even suggesting that either consideration motivated the judge's decision to retire; the complaint simply asserts that if there *were* such a motivation, the judge's conduct could rise to the level of judicial misconduct.

The subject judge has publicly stated that his decision to retire was motivated entirely by personal considerations. Complainant has provided nothing that calls into doubt the judge's explanation of his decision.

Because the misconduct complaint rests entirely on unsupported speculation about the subject judge's motives, the complaint "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred" and it will therefore be dismissed. See JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D).¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY 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 of the date of the dismissal order. *Id.* Rule 18(b).