

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-18-90003

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. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B), (D).

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).



Karen LeCraft Henderson, Circuit Judge
District of Columbia Circuit

Date: 2/2/18

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

MEMORANDUM

The 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, this misconduct complaint will be dismissed.

In 2017, complainant filed a complaint in the United States District Court for the District of Columbia against the United States, the Department of State, and President Trump, alleging that the defendants' "dereliction of duty" resulted in the murder of the complainant's wife and the abduction of complainant's daughter to Mexico. The district court dismissed the complaint for lack of jurisdiction.

In January 2018, complainant filed judicial misconduct complaints against the judge who handled his case and a second district court judge, alleging that both subject judges accepted bribes and favors from former President Obama in exchange for ensuring that complainant's daughter would remain a hostage in Mexico. The misconduct complaint was dismissed on the ground that it was "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL DISABILITY PROCEEDINGS, RULE 11(c)(1)(D).

Complainant has now filed a second judicial misconduct complaint against the United States Court of Appeals judge who handled the previous misconduct complaints. Complainant generally alleges that the subject judge is guilty of "corruption" and "turn[ing] over our sovereignty to Mexico," and further implies that the subject judge was

at least indirectly involved in the alleged wrongs suffered by complainant's wife and daughter. Complainant also states the subject judge "denied [him] the ability to petition the government for redress of [his] 'grievances.'" These allegations are wholly unsupported, and therefore "lack sufficient evidence to raise an inference that misconduct has occurred." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii). Insofar as the complaint is based on the subject judge's disposition of previous judicial misconduct complaints, an adverse ruling is not, by itself, evidence of misconduct. See JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii), and that allegation otherwise lacks sufficient evidence to raise an inference that misconduct has occurred. Accordingly, the complaint must be dismissed.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).