

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90007

A Charge of Judicial
Misconduct or Disability

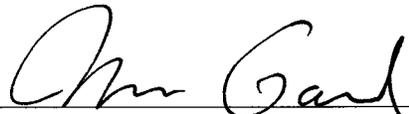
Before: GARLAND, Chief Judge of the Circuit

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

The Clerk 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).



Merrick B. Garland, Chief Judge
District of Columbia Circuit

Date: 3-31-14

MEMORANDUM

The complainant alleges that a judge of the United States District Court for the District of Columbia engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. The allegations arise out of the complainant's employment discrimination suit, which was assigned to the subject judge. For the following reasons, the allegations do not warrant action against the subject judge.

The complainant alleges that the judge failed to file pleadings that the complainant submitted and ruled on motions before receiving the response or the reply to the motions. Although the docket did not reflect the receipt of the pleadings at the time the complainant filed the complaint, the judge had either filed or denied leave to file the complainant's pleadings prior to the time the complaint was filed. Shortly thereafter, the docket was updated to reflect the judge's action on the pleadings. Thus, the judge has taken action on the four pleadings the complainant referred to in her complaint.

The allegations are appropriately characterized as a challenge to the merits of the subject judge's disposition of the complainant's pleadings. The appropriate avenue to obtain relief from allegedly erroneous rulings is through a direct appeal of the complainant's case, after its final disposition. A judicial misconduct proceeding is not an appropriate venue, and the complaint must therefore be dismissed. *See* JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B) ("A complaint must be dismissed in whole or in part to the extent that the chief judge concludes that the complaint . . . is directly related to the merits of a decision or

procedural ruling.”).¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY PROCEEDINGS 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 Clerk of the Court of Appeals within 35 days of the date of the Clerk's letter transmitting the dismissal Order and this Memorandum. *Id.* R. 18(b).