

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-21-90052

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: 2/2/22

MEMORANDUM

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

A criminal complaint contained two different spellings of the defendant's last name: the caption of the complaint spelled the name one way while the statement of the facts spelled it a different way. The case caption in the District Court's docket followed the spelling used in the complaint caption. The arrest warrant, signed by the subject judge, followed the spelling of the last name contained in the complaint's statement of the facts. The caption of the subject judge's order requiring the defendant to undergo an examination for mental competency used the spelling from the complaint caption. Various other orders and documents in the case spelled the defendant's name as reflected in the complaint's statement of the facts.

The complainant, who appears to be a relative of the defendant, has filed a judicial misconduct complaint against the subject judge, alleging that the judge "continually signed off on legal documents for the incorrect person, and has withheld the wrong person for whom the complaint was filed." The complainant further alleges that the defendant has been wrongfully imprisoned and should be released because "[h]e is not listed as the person the United States is charging."

It is true that the spelling of the defendant's last name in the caption of the criminal complaint does not match the spelling of the last name in the statement of facts. The

different spellings, however, appear to be a typographical error involving the transposition of two letters in the defendant's last name. That typographical error resulted in some additional typographical errors in that the District Court Clerk's Office carried forward the misspelled name when creating the case caption reflected on the docket, which also became the spelling used by the subject judge in the caption of one of her orders. That typographical error "is not prejudicial to the effective and expeditious administration of the business of the courts." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(A). And the complainant, while identifying a typographical error, has not provided "sufficient evidence to raise an inference that misconduct has occurred." JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D). Accordingly, the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(A) & (D); *see* 28 U.S.C. § 352(b)(1)(A)(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).