

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-21-90029

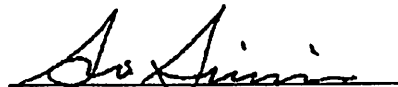
Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a magistrate 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: 1/13/22

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.

The complainant filed a petition to unseal adoption records. The subject judge issued a report and recommendation recommending that the petition be denied. The complainant has now filed a judicial misconduct complaint against the subject judge, asserting that the judge failed to “Uphold the Integrity and Independence of the Judiciary; . . . Avoid Impropriety and the Appearance of Impropriety in all Activities, . . . [and] Perform the Duties of the Office Fairly, Impartially and Diligently.” More specifically, the complainant contends that the subject judge’s recommendation not to release the adoption records “contradicts the concept that courts exist to protect the weak and the helpless. It also defies all common sense.” The complainant also alleges that the subject judge “failed the Due Diligence test” by delaying action on the petition for almost two years and by refusing to respond to calls and a letter about the status of the case.

To the extent the complainant is alleging that the subject judge’s report and recommendation was incorrect, that allegation is a direct challenge to subject judge’s decision recommending that the petition be denied, and thus “calls into question the correctness of [the] judge’s ruling.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(1). Such an allegation about the merits of a judge’s decision

does not involve “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.*; see 28 U.S.C. § 352(b)(1)(A)(ii).

To the extent the complainant is alleging that the subject judge failed to act in a timely manner, that allegation is also without merit. “Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(2). The complainant does not allege habitual delay on the judge’s part, and the assertion that the alleged delay “was not businesslike” is too conclusory to support a finding of misconduct.

Accordingly, because the allegations are either “directly related to the merits of a decision or procedural ruling” or “lack sufficient evidence,” 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).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).