

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-13-90018

A Charge of Judicial
Misconduct or Disability

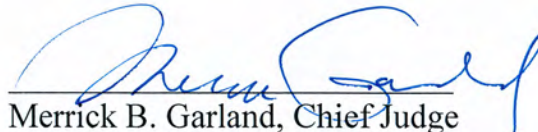
Before: GARLAND, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against a Judge of the United States District Court for the District of Columbia pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 and the Judicial Conference of the United States Rules for Judicial-Conduct and Judicial-Disability Proceedings, it is

ORDERED, for the reasons stated in the attached Memorandum, that the complaint be dismissed. *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: 7-17-13

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. Specifically, the complainant alleges that the subject judge is “overtly and criminally concealing [a] motion to prevent the matters from being heard.” The complainant further argues that the subject judge is retaliating against him for his previously filed judicial complaint against the subject judge. For the following reasons, these allegations do not warrant action against the subject judge.

The complainant asserts that he sent a “Motion to Act” to the subject judge, asking that a “Motion to Show Filing Fee Requirement” and a “Motion to Convene a Special Grand Jury” be resolved. The complainant argues that the subject judge failed to take action on these pending matters in an effort to hinder the consideration of the complainant’s petition for review and in retaliation for a previously filed judicial misconduct complaint against the subject judge. The complainant, however, has not provided any specific evidence that the subject judge acted inappropriately.

There is no evidence that the subject judge was involved, in any way, in the complainant’s underlying cases. The complainant has failed to demonstrate that he sent the subject judge the “Motion to Act” or sent the District Court the “Motion to Convene a Special Grand Jury.” Moreover, the “Motion to Show Filing Fee Requirements” was resolved, albeit by a different judge. Furthermore, because the subject judge was not involved in the complainant’s recent cases, the complainant has not, and cannot, show

any evidence that the subject judge was retaliating against him for filing the earlier judicial misconduct complaint.

The allegations against the subject judge lack sufficient evidence to raise an inference that judicial misconduct has occurred, *see* 28 U.S.C. § 352(b)(1)(A)(iii) and Jud. Conf. U.S., Rules for Judicial-Conduct and Judicial-Disability Proceedings 11(c)(1)(D). 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 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).