

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90019

**A Charge of Judicial
Misconduct or Disability**

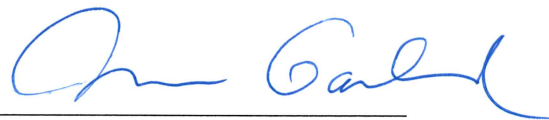
Before: GARLAND, *Chief Judge*.

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).



Merrick B. Garland, Chief Judge

Date: 8/1/2019

MEMORANDUM

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

The complainant alleges that another judge, in a different federal district, “is using his position as a Judge to bribe his personal friend” to, among other things, “cover up for government officials.” The complainant alleges that the subject District of Columbia judge “refuses to report the [second judge’s] action, refuses to forward information and refuses to report the conduct to the State Bar and the American Bar Association.”

Judicial-Conduct Proceedings Rule 4(a)(6) provides that “[c]ognizable misconduct includes failing to call to the attention of the relevant chief district judge or chief circuit judge any reliable information reasonably likely to constitute judicial misconduct or disability.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 4(a)(6). A condition to finding that a judge has violated this rule is that the judge has “receive[d] such reliable information.” *Id.*

The misconduct complaint does not cite, identify, or reference any information -- reliable or otherwise -- in support of the allegation against the judge from the other district. More relevant here, the complaint does not cite, identify, or reference any evidence to raise an inference that the subject judge from this district ever received such information. The only inference is to the contrary because the second judge is from a

different district in a different circuit. It may be that the complainant has mistakenly named the subject judge because that judge was once the director of an administrative office of the Judiciary. The complaint describes the subject judge by that title. But even if that position were relevant, the subject judge has not held it in more than four years -- while the complaint alleges the second judge's misconduct in the present tense. Compl., Attach. at 2 (alleging that the second judge "is using" his position to bribe a friend).

Accordingly, because the complaint "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred," it will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D). If the complainant has information regarding misconduct by the second judge, he may file a complaint "with the circuit clerk in the jurisdiction in which [that] judge holds office." *Id.* RULE 7(a)(1) ("Where to File").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).