

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-20-90023


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: 9/22/20

**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.

In 2005, a federal jury convicted the complainant of conspiracy to make false statements to financial institutions to obtain mortgage loans in violation of 18 U.S.C. § 371 and wire fraud in violation of 18 U.S.C. § 1343, arising from his participation in a “mortgage flipping” scheme. He was sentenced to 57 months of incarceration and three years of supervised release and ordered to pay restitution and forfeiture. His conviction and sentence were affirmed on direct appeal, and his motion to vacate his convictions pursuant to 28 U.S.C. § 2255 was denied. The complainant has served his term of imprisonment, and his term of supervised release has ended.

In 2016, the complainant filed in district court a petition for writ of coram nobis. Alleging that the subject judge court committed a fundamental error by punishing him without jurisdiction to do so, and that his trial attorney was ineffective, the complainant sought vacatur of his sentence and expungement and sealing of all related records. The subject judge denied the petition for a writ of coram nobis without directing the government to file a response. The complainant moved for reconsideration of the denial and also filed a “Second Emergency Motion,” which sought expedited reconsideration of his request for coram nobis relief. The subject judge denied those motions. The complainant timely appealed both orders and the Court of Appeals affirmed the subject judge’s orders.

In August 2018, the United States applied for a writ of continuing garnishment so that it could recover the remaining restitution debt. The complainant requested that the court hold a hearing on the garnishment issue or transfer the case to Maryland, where the complainant now resides. The subject judge held a hearing on the complainant's objection to the garnishment and concluded that the writ was enforceable and that transfer was unwarranted. The complainant then sought reconsideration of that decision and to quash the writ, both of which were denied.

The complainant has now filed a judicial misconduct complaint against the subject judge, asserting that the judge "schemed with [the U.S. Attorney] to convict me of a crime that there was no law to support." He alleges that the issue "is whether this case belonged in federal court based on the government evidence during the years 1995-1997." He further claims that the subject judge denied his transfer request "because I believe she did not want anyone else outside her circle looking at it," and that the judge "did not directly address . . . the amended law" in considering his motion to reconsider the writ of garnishment. He alleges that because the government did not respond to his writ, the subject judge's "conclusion is bias." Finally, he states that "I think [the subject judge] is a racist" and that "the only reason for [her decisions] is because I am black."

The complainant's assertion that his case was not properly in the federal court and that the subject judge failed to address "amended law" "calls into question the correctness of [the] judge's ruling[s]." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 4(b)(1). Such an allegation does not constitute "[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 claims that the subject judge conspired with the prosecutor, denied his transfer request in an effort to conceal her actions, and acted in a discriminatory manner, the complainant has provided no support for those claims other than his own beliefs. The allegations thus “lack sufficient evidence to raise an inference that misconduct has occurred.” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D). Accordingly, because the allegations are “directly related to the merits of a decision or procedural ruling,” and are “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” 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).<sup>1</sup>

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<sup>1</sup> 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).