

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90023

**A Charge of Judicial
Misconduct or Disability**

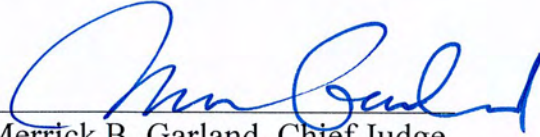
Before: GARLAND, Chief Judge

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 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

Date: 9/12/14

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. The allegations arise out of a lawsuit the complainant filed in the district court that was subsequently assigned to the subject judge.

The complaint alleges that the judge is guilty of obstruction of justice, tampering with evidence, and theft of documents. This allegation appears to be based on the subject judge's decision to deny the complainant leave to file certain pleadings on the ground that "the case is closed and on appeal." The complaint does not provide any evidence of obstruction, tampering, or theft and so must be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D) (providing that a complaint "must be dismissed" when it "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred"). To the extent that the allegation challenges the merits of the judge's orders denying leave to file, it does not constitute "[c]ognizable misconduct" under the Judicial-Conduct Rules. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 3(h)(3)(A); *see* JUDICIAL-CONDUCT RULE 11(c)(1)(B) (requiring dismissal of a complaint "directly related to the merits of a decision"); 28 U.S.C. § 352(b)(1)(A)(ii). The appropriate avenue to obtain relief from allegedly erroneous rulings is through a direct appeal of the complainant's case, after its final disposition.

The complaint also alleges that the judge discriminated against the complainant because of the complainant's religion. The complaint provides no evidence of such discrimination, other than allegations that the judge's rulings were "outrageous" and that "by the appearance of the last name of [the judge's] husband she could be or her husband could be" of the same religion as the defendants in the complainant's district court case. Neither allegation is sufficient "to raise an inference that misconduct has occurred." JUDICIAL-CONDUCT RULE 11(c)(1)(D).

Finally, the complaint suggests that the subject judge had a conflict-of-interest in the complainant's district court case because one of the defendants in that case was the widow of a lawyer who founded a law firm "in DC that specializes in many fields that [the judge] has worked in." This allegation, like the others discussed above, "lack[s] sufficient evidence to raise an inference that misconduct has occurred." *Id.* 11(c)(1)(D).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).