

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-21-90032
Complaint No. DC-21-90064

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaints 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: 2/2/22

No. DC-21-90032

No. DC-21-90064

MEMORANDUM

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

The complainant has filed a multitude of lawsuits in the U.S. District Court for the District of Columbia and the District of Columbia Superior Court, stemming from an employment dispute with a government agency and a dispute with the attorney who formerly represented him in settlement discussions with the agency. In one of those lawsuits, assigned to the subject judge, the complainant asserted that he had been coerced into settling his employment discrimination claims against the agency. The judge dismissed the suit, without prejudice, for lack of subject matter jurisdiction.

The complainant then filed his first judicial misconduct complaint against the subject judge. He alleged that the judge had abused his power by issuing orders that did not cite legal authority and by dismissing the suit without liberally construing certain of his pro se filings. The complainant further asserted that the subject judge was biased in favor of the federal defendants, as demonstrated by the fact that the judge dismissed the claims against those defendants. The misconduct complaint was dismissed because, among other things, the allegations were unsupported by the record, were “directly related to the merits of a decision or procedural ruling,” or “lack[ed] sufficient evidence to raise an inference that misconduct had occurred.” Compl. No. DC-16-90046.

After the first misconduct complaint was resolved, the complainant litigated several more of his lawsuits, including another suit against his former employer and former attorney. He alleged that his former attorney had committed legal malpractice, fraud, breach of contract, and intentional infliction of emotional distress. The subject judge dismissed the suit against the former attorney, finding that similar litigation in the D.C. Superior Court barred the same claims from being litigated in federal court. The judge also dismissed the complainant's claims against the agency alleging discrimination, improper denial of workers' compensation, collusion during the settlement process, and retaliatory conduct. The subject judge additionally granted the former attorney an injunction barring the complainant "from filing suit in any federal district court against [the former attorney] or any other party regarding [the complainant's] termination from [the agency] or her representation of him without first obtaining leave of this Court."

The complainant then filed a second judicial misconduct complaint against the subject judge, alleging that the subject judge had "unjustifiably dismissed" his lawsuit. He further asserted that the subject judge "did not intend to provide me fair due process due to him being biased while retaliating to protect [complainant's former attorney]. . . . [The judge] retaliated by denying my motions in an attempt to save [complainant's former attorney's] reputation and career as an attorney." The complainant also claimed that the judge "had an 'axe to grind' against" the complainant's new attorney and that the judge granted the former attorney's request for an injunction "while ignoring [the attorney's] false statements regarding threats and harassment, and egregious misconduct." In a supplement to the misconduct complaint, the

complainant further alleged that the subject judge “continued to retaliate and harass[] me by granting pre-filing injunctions.” This second judicial misconduct complaint was dismissed because it “call[ed] into question the correctness of [the subject] judge’s ruling[s]” and was “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Compl. No. DC-19-90024.

The complainant continued to litigate against the agency, once again pressing claims related to his allegations of discrimination and defamation and to his settlement agreement, and adding a new allegation that the agency’s placement of the complainant on a Do Not Admit (DNA) List prevented the complainant from getting a job in 2017. The subject judge granted the agency’s motion to dismiss. First, the judge noted that the court had already concluded in a prior case that the settlement agreement was valid and was not procured by improper means. Second, the judge found that the employment-related claims were barred by issue preclusion because the court had previously concluded that the complainant’s settlement agreement barred any employment claims that had previously arisen. Lastly, the judge held that the newly-raised DNA claim was barred by the doctrine of judicial estoppel because the complainant had failed to disclose its existence in his December 2017 bankruptcy petition. Additionally, the court noted that some of the claims, even if not barred by judicial estoppel, would be dismissed for failure to state a claim. The Court of Appeals affirmed the subject judge’s order dismissing the complaint and denied the complainant’s petition for rehearing.

The complainant then filed his third complaint of judicial misconduct related to the subject judge’s dismissal of the complainant’s most recent cases. The complainant again

alleged that the subject judge “wrongly dismissed [his] civil case” and that his dismissal of the case was evidence of “retaliatory actions, bias, prejudices, and avoidance protected [complainant’s former counsel] and the Agency while denying the Complainant fair due process and justice.” The complainant further alleged that the subject judge and complainant’s former attorney “had a working relationship since October 2015, thus allowing them to manipulate and taint the judicial process by purposely ignoring security access-disputes, medical, and disability issues, and the DNA List since July 2016.” Like the two prior complaints, this third complaint was dismissed because it also “call[ed] into question the correctness of [the subject] judge’s ruling[s]” and was “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Compl. No. DC-20-90041.

The complainant has now filed two more judicial misconduct complaints against the subject judge. In complaint No. DC-21-90032, the complainant again alleges wrongdoing relating to the subject judge’s consideration of two lawsuits falling outside the scope of the pre-filing injunction. The complainant’s allegations are similar in nature to the allegations from the third complaint No. DC-20-90041, that the subject judge retaliated against him by imposing the pre-filing injunction and “abused his discretion by granting judicial estoppel and dismissing the DNA List case, only to protect a frivolous pre-filing injunction.”

In complaint No. DC-21-90064, the complainant again challenges the subject judge’s imposition of the pre-filing injunction, which was the subject of the complainant’s second misconduct complaint (No. DC-19-90024). The complainant again alleges that the subject judge “showed favoritism for [the complainant’s former attorney],” “abused his discretion by granting

the injunction,” and “acted in clear error, was malicious, and in excess of his discretion and authority.”

Much like the previous three complaints of judicial misconduct, the instant two complaints must also be dismissed because they “call[] into question the correctness of [the subject] judge’s ruling[s]” and are “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Moreover, these complaints repeat allegations which this court has already considered and dismissed. Accordingly, these complaints must also be dismissed. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 11(c)(1)(B), (D); 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).