

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90011

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: December 28, 2023

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, a foreign national residing abroad, filed in district court a 32-page complaint in which he alleged that a government agency, several foreign governments, and a relative of his conspired to use him “as a ‘Guinea Pig’ for a Poliomyelitis human medical research experiment which occurred in the 1950s.” He asserted that the defendants bribed a foreign Minister of Health to have him injected with a contaminated polio vaccine that left him paralyzed. The subject judge issued an order that dismissed the complaint for lack of subject-matter jurisdiction under Rule 12(b)(1) because the complainant’s “unsupported allegations of bizarre conspiracy theories involving fantastic government manipulations are essentially fictitious” (internal quotations omitted). The judge added that the complaint “contains *no* concrete details about how the defendants successfully conspired to inject the plaintiff with a contaminated vaccine.” The complainant appealed, and the court of appeals summarily affirmed.

The complainant then filed in district court a motion to reconsider the subject judge’s dismissal order under Federal Rules of Civil Procedure 59(e) and 60(b), arguing that the court erred in holding that it lacked subject-matter jurisdiction. The subject judge denied the motion for reconsideration under Rule 59(e) as untimely. The judge denied the motion under Rule 60(b) on the basis that the complainant’s motion for reconsideration still failed to provide any factual allegations to support his core claims, so the court continued to lack jurisdiction. The judge then denied the complainant’s request to disqualify her, explaining that there was no

reason to question her impartiality. Finally, the judge denied the complainant's motion for leave to amend the complaint "because [the complainant] ha[d] not established that the Court's earlier judgment should be set aside." The complainant appealed, and the court of appeals again granted summary affirmance.

Meanwhile, the complainant filed the instant judicial misconduct complaint against the subject judge. The complainant asserts that the judge "acted with impropriety." According to the complainant, the judge "behaved with apparent bias and impropriety" by "hand[ing] down biased rulings on the service of process and then cleaned it up" and by "undermin[ing] the facts of the case with hurried intention of dismissing the action without judicial temperament." The complainant further claims that the judge improperly accused him of committing "espionage" and that that accusation "is biased and . . . exhibited prejudice." Lastly, the complainant states that the judge's failure to allow him to amend his complaint is further evidence of "apparent bias, prejudice and impropriety, [as she] block[ed] all paths to Justice under color of law."

While the complainant asserts that the subject judge's decisions themselves are evidence of bias, that allegation is "directly related to the merits of a decision or procedural ruling" and hence cannot alone constitute "[c]ognizable misconduct" under the Judicial-Conduct Rules. JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 4(b)(1); see *id.* 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii). Moreover, because nothing on the face of the subject judge's rulings indicates bias, and because the complaint offers no other evidence of bias, the complaint "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred." JUDICIAL-CONDUCT PROCEEDINGS

RULE 11(c)(1)(D). Accordingly, 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).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).