

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90030

**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: 2/5/20

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, this misconduct complaint will be dismissed.

The complainant filed an action in the United States District Court against the United States, a United States Supreme Court Justice, and multiple unnamed judges, alleging that “judicial officers did not properly perform their duties related to his litigation and that he is, as a result, entitled to damages.” The subject judge dismissed the case against the various defendants on a number of grounds, including lack of subject matter jurisdiction, judicial immunity, and the Federal Tort Claims Act. Approximately two months after the subject judge dismissed the case, the complainant sought to amend his complaint to include the judge as a defendant. The judge struck the amended complaint, noting that the case had already been dismissed.

Thereafter, the complainant filed this judicial misconduct complaint against the subject judge. In that complaint, the complainant alleges that, in dismissing his district court complaint and striking the motion to amend, the judge “obstructed [his] . . . trial by jury” and “essentially granted absolute immunity to himself and [the other] defendants.” Those allegations “call[] 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 allegations do 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). Accordingly they will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

The complainant further alleges that the subject judge’s “orders are based solely in ego and arrogance, which is proof of bias.” The misconduct complaint, however, does not cite, identify, or reference any evidence to support that allegation. Moreover, bias cannot be shown merely by “call[ing] into question the merits” of the judge’s decisions. JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(1). Therefore, because the allegation of bias “is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D), it, too, will be dismissed.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).