

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-20-90016


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.

The subject judge was assigned a criminal case. The complainant, who is not a party to the criminal case, filed a misconduct complaint against the subject judge challenging the judge's handling of the case. The complaint asserts in its entirety:

I am submitting this complaint against [the subject judge] in regards to his appointment of an outside third party to prosecute [the defendant] in which the DOJ has retracted the complaint against [the defendant]. At no time, that I can ever remember any Judge in the United States try to prosecute a person that was found not guilty by an outside third party. If you don't dismiss this case then what's going to happen is a jury trial and [the defendant] will be found not guilty and make the Court look like a bunch of Bozo's. Furthermore as a Tax Payer I think [the subject judge] is wasting time & money.

It appears that the complainant is challenging the subject judge's appointment of amicus curiae to provide arguments opposing the government's motion to dismiss the charges and to address whether the defendant should be held in criminal contempt for perjury. This allegation is a direct challenge to the subject judge's order appointing amicus curiae and "calls into question the correctness of [the] judge's ruling." 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 and thus the complaint must be dismissed. *Id.*; *see* 28 U.S.C. § 352(b)(1)(A)(ii). Moreover, the en banc Court of Appeals has determined that the subject judge's conduct in the

matter in question, including with regard to the appointment of amicus, has not “come[] close to meeting the ‘very high standard’ of ‘conduct so extreme as to display clear inability to render fair judgment,’” and thus reassignment to another judge was unwarranted.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).