

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of**

**Judicial Council Complaint No. DC-19-90017**

**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: 8/1/2019

**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 filed a 119-page civil complaint in the U.S. District Court for the Southern District of New York, charging numerous individuals associated with a foreign government with violating the Torture Victim Protection Act. The case was transferred to the U.S. District Court for the District of Columbia and assigned to the subject judge. The judge directed the complainant to file a second amended complaint that complied with the civil rules and consisted of no more than 25 pages. The complainant filed an amended complaint. The judge ultimately dismissed the case without prejudice under Federal Rule of Civil Procedure 8(a), holding that “[n]either the Court nor the defendants could determine what claim(s) plaintiff is bringing against which defendant(s).” After the complainant noted an appeal, she submitted a third amended complaint in the district court, but did not move for leave to file it.

Before the U.S. Court of Appeals for the District of Columbia Circuit, the complainant argued (inter alia) that her claims were so voluminous that they could not fit within 25 pages. The court of appeals affirmed the district court’s dismissal of the action, noting that “[t]he district court properly dismissed this case without prejudice, because appellant’s second amended complaint failed to provide ‘a short and plain statement of

the claim showing that the pleader is entitled to relief.” The court further noted that the complainant did not request, nor was she granted, leave to file her third amended complaint. The court also explained that the dismissal without prejudice permitted the complainant to file a new complaint that met the filing requirements.

The complainant then filed the instant judicial misconduct complaint. She asserts that the subject judge “dismissed [the complaint] arbitrarily asking for an amended complaint despite the [Southern District Court of New York] admitt[ing her] already amended complaint.” She further alleges that the judge’s directive that she reduce her complaint to 25 pages “eliminat[ed] my proofs making case nonviable.” She also attached the brief she filed in the court of appeals, in which she made other arguments, including that the judge’s decision dismissing her complaint was contradictory.

The complainant’s allegations that the subject judge’s dismissal of her action was arbitrary, contradictory, and improper “call[] into question the correctness of [the subject judge’s] ruling,” 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, because the

misconduct complaint “is directly related to the merits of a decision or procedural ruling,” it will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).<sup>1</sup>

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<sup>1</sup> 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).