

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90018

A Charge of Judicial  
Misconduct or Disability

Before: GARLAND, Chief Judge of the Circuit

## 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. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B), (D).

The Clerk 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 11(g)(2).

  
Merrick B. Garland, Chief Judge

Date: 8/26/14

## MEMORANDUM

The complainant alleges that a judge of the United States District Court for the District of Columbia engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. The allegation arises out of a lawsuit the complainant filed that was assigned to the subject judge. The suit charged that, “during the last quarter century,” the complainant experienced “(1) military experimentation, (2) hypnosis torture, (3) social, intimacy, professional and financial deprivation and (4) retaliation coercions, intimidation, harassment and fear generation has been and continues to be extremely infantile . . . .” The suit named the United States as the defendant, and the subject judge dismissed the case for lack of subject matter jurisdiction.

The complainant alleges that the judge’s memorandum opinion dismissing his case “was unduly and unlawfully influenced by *ex parte* communications with the proposed Defendant.” To support this allegation, the complainant contends that “a review of [the judge’s] reasons in the Memorandum Opinion” demonstrates that the opinion is unfounded and “inexplicable except when understood in the context of conspiring to obstruct justice with said Defendant.” This contention “is directly related to the merits of a decision,” and so cannot alone constitute grounds for a complaint of judicial misconduct. 28 U.S.C. § 352(b)(1)(A)(ii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B). Because the complainant offers no other evidence to support the allegation of improper *ex parte*

communications, the complaint “must be dismissed” as “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).<sup>1</sup>

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<sup>1</sup> Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY PROCEEDINGS 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 Clerk of the Court of Appeals within 35 days of the date of the Clerk's letter transmitting the dismissal Order and this Memorandum. *Id.* R. 18(b).