

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint Nos. DC-24-90007
DC-24-90008
DC-24-90009

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against three judges of the United States Court of Appeals for the District of Columbia Circuit, 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 judges, 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: June 7, 2024

No. DC-24-90007
No. DC-24-90008
No. DC-24-90009

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against three judges of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the misconduct complaint will be dismissed.

The complainant, a member of the public, alleged that the subject judges delayed consideration of an appeal that was pending before them at the time the misconduct complaint was filed. Specifically, the complainant alleges that the judges had “failed to reach, or make public, a decision” and that the “panel, apparently, refuses to act.” The complainant further requests that an investigation be conducted to determine “whether any one or more of these judges is complicit[] in a strategy to delay or avoid a decision.”

The allegation of misconduct is groundless. The panel (consisting of the subject judges) issued its decision within one month of hearing oral argument in the appeal. At any rate, “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” JUDICIAL-CONDUCT PROCEEDINGS RULE 4(b)(2). Here, the complainant has provided no evidence of an “improper motive” or “habitual delay in a significant number of unrelated cases.” He simply notes that “[m]edia coverage has been subsumed with speculation about this court ‘slow walking’ this decision.” The complainant’s unsupported speculation as to the cause of an ostensible delay “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” See JUD. CONF. RULES FOR JUDICIAL-

CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii). The complaint thus 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 of 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).