

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90032

## 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 11(g)(2).



Merrick B. Garland, Chief Judge

Date: 2/2/15

## MEMORANDUM

The complainant charges 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 complainant's charge arises out of an action the complainant filed against the Commissioner of Internal Revenue and IRS employees, accusing them of fraud and negligence for their refusal to resolve disputes arising from the complainant's demands for refunds. The case was dismissed for failure to state a claim, and the subject judge denied the complainant's motion for reconsideration.

The complainant charges that the judge "dismiss[ed] and denied all my Motions," and in so doing "treated myself Like I was not an American Born person[,] . . . Violating my US Constitution Rights and US Copyright US Constitutional Rights." To the extent that the complaint constitutes a challenge to the merits of the judge's orders dismissing the complaint and denying reconsideration, it is "directly related to the merits of a decision or procedural ruling" and so "must be dismissed." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B). To the extent that the complaint constitutes a claim that the subject judge exhibited bias or prejudice, it offers no evidence other than the fact that the judge ruled against the complainant. It is therefore "based on allegations lacking sufficient evidence to raise an inference that

misconduct has occurred” and so also “must be dismissed.” *Id.*, RULE 11(c)(1)(D). *See generally* 28 U.S.C. § 352(b)(1)(A)(ii), (iii).<sup>1</sup>

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<sup>1</sup> Pursuant to 28 U.S.C. § 352(c) and Judicial-Conduct 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 35 days of the date of the Circuit Executive’s letter transmitting the dismissal Order and this Memorandum. JUDICIAL-CONDUCT RULE 18(b).