

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-16-90035

No. DC-16-90036

No. DC-16-90037

No. DC-16-90038

A CHARGE OF JUDICIAL
MISCONDUCT OR DISABILITY

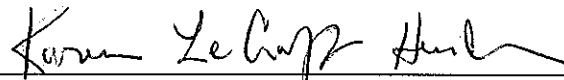
Before: HENDERSON, *Circuit Judge**

ORDER

Upon consideration of the complaint herein, filed against a judge of the United States District Court for the District of Columbia and 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. See 28 U.S.C. § 352(b)(1)(A)(iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D).

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 11(g)(2).



Karen LeCraft Henderson, Circuit Judge
District of Columbia Circuit

Date: 8/23/16

* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

MEMORANDUM

Complainant has filed a complaint of judicial misconduct against a judge of the United States District Court for the District of Columbia and 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 filed a civil lawsuit in the United States District Court for the District of Columbia. The case was assigned to the subject district court judge, who dismissed the complaint for failure to state a claim. Complainant later filed a motion to reopen the case, which was denied. Complainant appealed, and a panel of the court of appeals summarily affirmed the order denying the motion to reopen. The complainant has now filed a judicial misconduct complaint against the subject district court judge, as well as the three court of appeals judges who were on the panel that granted summary affirmance.

The complainant fails to make any specific allegations of wrongdoing on behalf of the subject appellate judges. To the extent complainant alleges the subject district court judge had ex parte communications with the opposing parties and their counsel, he provides no evidence of this alleged misconduct. Because the complaint offers no evidence of judicial misconduct, it "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred" and "must be dismissed." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); see 28 U.S.C. § 352(b)(1)(A)(iii).¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY 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 of the date of the dismissal order. *Id.* Rule 18(b).