

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint No. DC-23-90028

Before: Srinivasan, 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).

  
Sri Srinivasan, Chief Judge

Date: December 28, 2023

**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, proceeding pro se, filed suit on behalf of herself and four other plaintiffs. The matter involved a landlord-tenant dispute. The four other individuals were subsequently dismissed from the case. A summons was issued and the defendant was served. The response to the complaint was due twenty-one days later. The defendant, who was proceeding pro se at the time, submitted a response to the complaint, which was dated and sent to the court by certified mail within the period for filing an answer to the complaint. Eight days after the end of the period for filing an answer to the complaint, the complainant filed a motion for default judgment. Sixteen days after the answer to the complaint was due, the subject judge granted the defendant leave to file his response and issued an order treating his response as his answer to the complaint.

The subject judge subsequently issued a minute order denying the motion for default judgment, noting that the court had granted the defendant leave to file his response to the amended complaint. The complainant then filed a motion to reconsider, which the judge denied on the basis that the court had granted the defendant leave to file his answer.

The defendant, through counsel, then filed a motion for judgment on the pleadings, which the complainant opposed. The complainant then filed a motion to compel and for sanctions, seeking to compel the defendant to provide information about why his answer to the

complaint was filed by the court twenty days after it was dated and to sanction the defendant's attorneys for not responding to her requests for information about the timing of the filing of the pleadings.

The subject judge granted the defendant's motion for judgment on the pleadings, determining that the complainant had failed to state valid claims. The subject judge also explained that any delay in filing the response to the complaint was "attributable to the Court," and she thus denied the motion to compel and the motion for sanctions.

The complainant then filed a notice of appeal from the dismissal of her complaint. The court of appeals dismissed the appeal as untimely.

The complainant has now filed a judicial misconduct complaint against the subject judge. The complainant alleges that her motion for default judgment was improperly denied without explanation and that "the answer to the complaint was placed on the court record by the judge, AFTER the official deadline." The complainant further asserts that the subject judge's decision to proceed with adjudicating the merits of the motion for judgment on the pleadings without first verifying the timeliness of the answer to the complaint demonstrates "very biased behavior."

To the extent the complaint is challenging the propriety of the subject judge's order granting leave to file the answer to the complaint or her decision to grant the motion for judgment on the pleadings, that allegation is a direct challenge to the merits of those decisions. "Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge – without more – is merits-related." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND

JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(b)(1) Commentary ¶ 12. Such an allegation does not constitute “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

To the extent the complainant alleges that the subject judge acted in a biased manner, the complainant has failed to provide any evidence of bias other than her own unsubstantiated beliefs that the judge’s decisions were the product of bias. Thus, the allegation of bias “lacks sufficient evidence to raise an inference that misconduct has occurred.” *See* JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, because the complaint “is directly related to the merits of [the judge’s] decisions,” and is “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B) & (D); *see* 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 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).