

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-19-90026

## 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 (2019), RULE 11(g)(2).

  
Merrick B. Garland, Chief Judge

Date: 8/27/19

**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 filed a complaint against a government agency, alleging that the agency failed to investigate his claims of discrimination and mismanaged his cases. The subject judge granted the complainant leave to proceed in forma pauperis and dismissed the complaint for failure to state a claim on which relief may be granted, holding that Congress has not authorized such a cause of action against the agency.

The complainant has now filed the instant judicial misconduct complaint against the subject judge. Although the “Complaint of Judicial Misconduct” form that the complainant used named the subject judge, and the subject judge handled the complainant’s case, the body of the complaint makes no reference to the subject judge. The only allegation of misconduct against the judge that may be inferred is the complainant’s assertion that “[t]hese cases should have been remanded if at all they ever went up for appeal; or remanded and contingently dismissed without prejudice to prevent any manifest injustice.” This allegation, that the judge should have remanded (rather than dismissed) the complainant’s case, “calls into question the correctness of [the subject judge’s] ruling.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 4(b)(1). Such an allegation does not constitute

“[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute, *id.*; *see* 28 U.S.C. § 352(b)(1)(A)(ii), and therefore will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).<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).