

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90008

A Charge of Judicial
Misconduct or Disability

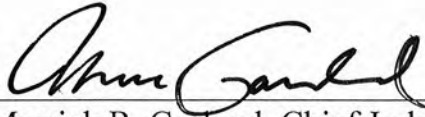
Before: GARLAND, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against a judge from the United States Bankruptcy Court for the District of Columbia, 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)(ii) & (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B) & (D).

The Clerk 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: 8/26/14

MEMORANDUM

The complainant contends that a judge of the United States Bankruptcy Court for the District of Columbia engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. The contention arises out of a bankruptcy court case that the complainant filed and that was assigned to the subject judge.

The complainant makes four allegations: (1) that the judge improperly “represented, directly, and by implication, that petitioner is obligated to pay the amounts specified”; (2) that the judge “allowed the Respondents in numerous instances to assess[] and use[] due diligence to collect default-related fees that they were not legally authorized to assess and collect”; (3) that the judge’s “decisions and judgment is inconsistent with the laws, statutes and due process”; and (4) that the complainant “was assaulted, d[uring] which injuries was sustain then to be wrongfully incarcerated, traumatized the litigant disintegrating her condition of the mind, and she could not have proper thought patterns.”

Because the first three allegations “are directly related to the merits of a decision or procedural ruling,” they “must be dismissed.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii). The fourth allegation does not appear to be directed against the subject judge and, in any event, the complaint offers no evidence that the alleged “assault” involved that judge. Accordingly, this allegation “lack[s] sufficient evidence to raise an inference that misconduct has occurred,” and must be dismissed as well. JUD. CONF.

U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS

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 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 Clerk of the Court of Appeals within 35 days of the date of the Clerk's letter transmitting the dismissal Order and this Memorandum. *Id.* R. 18(b).