

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90041

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, a pro se litigant, filed a lengthy civil complaint in the district court. The subject judge noted that “[a]lthough the Court cannot discern precisely what Plaintiff alleges, Plaintiff’s 80-page submission makes reference to a racially motivated conspiracy of some kind involving the more than 90 Defendants, and it accuses Chief Justice John Roberts of failing to prevent such conspiracy.” The subject judge went on to note that while the “complaint is extensive, it offers no intelligible description of the factual basis for Plaintiff’s claims.” Thus, the subject judge determined that the complaint lacked a short and plain statement of the claim as required by Federal Rule of Civil Procedure 8(a)(2). To the extent the complainant sought damages against justices or judges for issuing or failing to issue decisions in their judicial capacities, the subject judge held that judicial immunity barred those claims. Accordingly, the subject judge dismissed the complaint without prejudice, except that all claims against judges or justices for acts taken in their judicial capacities were dismissed with prejudice.

The complainant then sought to file an amended complaint. The subject judge denied leave to file, noting that the amended complaint did not satisfy the judge’s requirement that an amended complaint be accompanied by a redline comparison between an original and proposed amended filing. The complainant submitted a second proposed amended complaint,

but once again failed to submit a redline comparison. The subject judge denied leave to file the second amended complaint but gave the complainant three additional weeks to file an amended complaint that complied with the requirement to provide a comparison. The complainant then filed a motion for recusal, which the subject judge denied.

When the complainant failed to submit a timely and conforming amended complaint, one of the defendants filed a motion to dismiss for lack of prosecution. The complainant then attempted to submit a proposed third amended complaint, this time also seeking to add the subject judge as a defendant based on his orders denying leave to file the amended complaints and denying the motion to recuse. The subject judge denied leave to file the proposed supplement pleading and, out of an abundance of caution, directed the defendant to supplement its pending motion to dismiss and directed the complainant to respond to that motion. The motion to dismiss remains pending before the subject judge.

Meanwhile, the complainant filed the instant judicial misconduct complaint against the subject judge. The complainant alleges that the subject judge's "strict directive order is racially selective, discriminatory, retaliatory, prejudice, biases, hateful, anti-Blackness and subjected Complainant to disparity treatment based upon the identification of Complainant's skin color, race and national origin." The complainant further contends that the subject judge "communicated with the Defendants without Complainant," and is attempting to shield the judicial defendants from suit. Lastly, the complainant asserts that "[n]ewly discovered evidence" shows that the subject judge "acted outside [his] judicial capacities as RACIST."

To the extent the complainant is asserting that the subject judge acted in a retaliatory or hateful manner or was biased or racially discriminatory, those allegations are without merit. The complainant has failed to provide any evidence of judicial misconduct other than his own unsupported beliefs. Thus, these allegations “lack[] sufficient evidence to raise an inference that misconduct has occurred.” *See* JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii). Similarly, the complainant has failed to provide any evidence that the subject judge has engaged in ex parte communications or sought to shield the judicial defendants from liability. Accordingly, because the complaint 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)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).¹

¹ 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).