

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-21-90053

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: 2/17/22

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 in the district court seeking damages and injunctive relief against the United States and members of the U.S. House of Representatives. He alleged that the defendants had engaged in “misfeasance, abandoned-oath, a dereliction of duty, an abusive practice, breach of duty, abuse of authority power, intentional acts, negligence, negligence in wanton disregard of the law, failure to prevent, breach of statutory duty and other civil rights violations” by “support[ing] the ex-president’s unlawful conduct shown via Trump’s Insurrection” The case was assigned to the subject judge, who *sua sponte* dismissed the complaint under the Speech or Debate Clause of the U.S. Constitution.

The complainant has now filed the instant judicial misconduct complaint against the subject judge. The complainant alleges that the subject judge’s dismissal of his complaint was erroneous because the defendants forfeited their Speech or Debate Clause immunity by “abandon[ing] their constitutional oath.” He asserts that the disposition of his case was the result of bias on the subject judge’s part: he notes that the subject judge was appointed by President Trump, and he further asserts that the subject judge played some undefined role in the events of January 6, 2021.

To the extent the complainant’s misconduct complaint is based on the subject judge’s

disposition of the complainant's case in the district court, the misconduct complaint is "directly related to the merits of a decision or procedural ruling," and thus fails to set forth valid grounds for a finding of judicial misconduct. See JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii). To the extent the complainant alleges that the judge's appointment by President Trump establishes bias on the judge's part in resolving the complainant's suit, or that the judge played some role in the events of January 6, those allegations are unsubstantiated and "lack[] 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] decision," and "lack[s] sufficient evidence," the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B) & (D); 28 U.S.C. § 352(b)(1)(A)(ii) & (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).