

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaints No. DC-23-90034
No. DC-23-90035
No. DC-23-90036

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against three judges of the United States Court of Appeals for the District of Columbia Circuit, 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 judges, 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

No. DC-23-90034
No. DC-23-90035
No. DC-23-90036

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against three judges of the United States Court of Appeals for the District of Columbia Circuit. For the following reasons, the misconduct complaint will be dismissed.

The complainant filed a civil suit alleging, among other things, theft, “false confinement,” and sexual assault, and sought “\$20000 Million” in damages. The district court sua sponte dismissed the complaint for lack of jurisdiction and failure to comply with Federal Rule of Civil Procedure 8(a). After the court denied the complainant leave to file two motions to execute a judgment, she filed an untimely motion seeking to reopen the case for entry of a default judgment. The court construed the motion as one seeking relief under Rules 60(a) and (b). The court denied the motion, noting that the motions it had previously denied leave to file did not seek reconsideration and concluding that entry of a default judgment would be improper because the court had sua sponte dismissed the complaint before service was effectuated.

The complainant appealed. The court of appeals panel, which consisted of the three subject judges, affirmed the district court’s dismissal order. The court concluded that, because the suit was dismissed before the defendants were served, the district court did not abuse its discretion in holding that there was no basis for entry of a default judgment. Accordingly, the court of appeals denied the motion for entry of judgment and affirmed the district court’s denial of the Rule 60 motion. The complainant then filed a petition for rehearing, and a

supplement thereto, which was denied.

The complainant has now filed a judicial misconduct complaint against the three subject appellate judges. The complainant contends that the judges committed “intentional vandalism and repeated mistreatment, extremely unfair miscarriage of justice, grievance, persecution, reverse justice, disobey law, misapply law, [and] mental disorder.” Specifically, the complainant alleges “wrongful denial from June 9, 2022 to 5/23/2023,” “[r]epeated errors against court rules on 2/1/2023, 5/9/2023, 5/23/2023,” “[r]acial retaliation: failure to return 1008 + 47 pages evidence 4/14/2023, invade privacy by security such as asking my key 4/26/2023 and search my handbag 5/25/2023,” and “[p]hysical threat on 4/14/2023 by using a bunch of people in elevator.” The complainant also asserts that the judges failed “to implement court rules 31 and 36 as well as district court rule 12 and 55.” She further claims that “[o]n 6/19/2023 [she] continue[d] to experience grievance from abuser and vandalism judges.”

In challenging the allegedly “wrongful denial” of her claims, the “misapplied law,” the “[r]epeated errors” of court rules, and the failure to implement the rules, the complainant is directly challenging the judges’ orders affirming the district court and denying rehearing. “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. *Id.* Rule 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

To the extent the complainant is asserting the judges have somehow mistreated her, demonstrated racial basis, suffered from a “mental disorder,” or otherwise threatened her, those allegations also are without merit. The complainant has failed to provide any evidence of judicial misconduct other than her own unsupported beliefs. Thus, these allegations “lack sufficient evidence to raise an inference that misconduct has occurred.” *See* JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, because the complaint “is directly related to the merits of [the judges’] decision,” 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).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).