

JUDICIAL COUNCIL  
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of  
A Complaint of Judicial  
Misconduct or Disability

Complaint Nos. DC-22-90013  
DC-22-90014  
DC-22-90015  
DC-22-90016  
DC-22-90017  
DC-22-90018

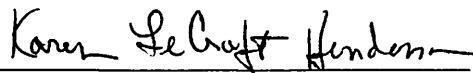
Before: Henderson, Circuit Judge\*

**ORDER**

Upon consideration of the complaints herein, filed against six judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia, it is

**ORDERED** that the complaints be dismissed for the reasons stated in the attached Memorandum.

The Circuit Executive is directed to send a copy 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).



Karen LeCraft Henderson, Circuit Judge

Date: 7/28/22

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\* Acting pursuant to Rule 25(f) of the RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS.

**No. DC-22-90013**  
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**No. DC-22-90018**

## **MEMORANDUM**

Complainant has filed complaints of judicial misconduct against six judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia. For the following reasons, the misconduct complaints will be dismissed.

Complainant previously filed a judicial misconduct complaint against the district court judge that is currently presiding over a lawsuit he filed. That prior misconduct complaint was dismissed on the ground that it was directly related to the merits of a judicial decision and thus presented no proper ground for a finding of judicial misconduct.

Complainant then filed a judicial misconduct complaint against the United States Court of Appeals judge who handled his first misconduct complaint. Complainant accused the subject judge of failing to conduct an adequate review of the evidence in the prior misconduct matter, improperly delaying the resolution of that matter, misinterpreting the substance of the prior misconduct complaint, and incorrectly applying the relevant rules and statutes in resolving the prior misconduct matter. Complainant also alleged that the subject judge was biased against him in resolving the prior misconduct matter because the subject judge serves on the Judicial Council with the district court judge who was the subject of the prior misconduct complaint. This second misconduct complaint was dismissed on the grounds that it was directly related to the merits of a judicial decision and

thus presented no proper ground for a finding of judicial misconduct, and otherwise failed to establish bias or misconduct on the part of the subject judge in the judge's handling of the first misconduct matter.

The present misconduct complaints are essentially identical to each other and also to complainant's prior misconduct complaint against the judge who handled his first misconduct complaint. Complainant alleges that the subject judges have engaged in conduct that is "prejudicial to the effective and expeditious administration of the business of the courts" and involves "treating litigants . . . in a demonstrably egregious and hostile manner." Compl. at 3 (quoting JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(a)(2)(B)). Complainant does not, however, identify any way in which the subject judges treated him in an "egregious and hostile manner," and this allegation thus lacks sufficient evidence to "raise an inference that misconduct has occurred." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D).

Complainant further alleges that the subject judges, in their capacities as members of the Judicial Council, erroneously denied complainant's petition for review of the dismissal of his first judicial misconduct complaint. Complainant asserts that the order dismissing that first misconduct complaint was the result of bias, that it contained multiple legal errors, and that it demonstrated a lack of familiarity with and understanding of the underlying district court matter, and complainant alleges that the present subject judges' "rubberstamping" of that order constitutes misconduct. Complainant also asserts that the present subject judges were biased against him in resolving his petition for review because

they serve on the Judicial Council with the district court judge who was the subject of that first misconduct complaint.

Insofar as complainant challenges the subject judges' disposition of his petition for review in his first misconduct matter, such allegations are "directly related to the merits of a decision or procedural ruling" and are thus not proper grounds for a finding of judicial misconduct. See JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rules 4(b)(1) and 11(c)(1)(B); 28 U.S.C. § 352(b)(1)(A)(ii). Furthermore, insofar as complainant alleges that the subject judges' ruling was the result of bias stemming from the judges' collegial relationship with the subject judge of the first misconduct complaint, that relationship does not per se give rise to a finding of partiality or bias. Cf. Guide to Judiciary Policy, Vol. 2B, Ch. 2, Published Advisory Opinion No. 103 (2009) ("If one or more of an assigned judge's judicial colleagues – but not the assigned judge – is named as a defendant in a civil action, the assigned judge need not automatically recuse from the case."). Complainant's allegation of bias thus does not "raise an inference that misconduct has occurred." JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

The present complaints will therefore be dismissed.\*

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\* Pursuant to 28 U.S.C. § 352(c) and JUDICIAL-CONDUCT PROCEEDINGS RULE 18(a), 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 of the date of the dismissal order. JUDICIAL-CONDUCT PROCEEDINGS RULE 18(b).