

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-14-90013

A Charge of Judicial  
Misconduct or Disability

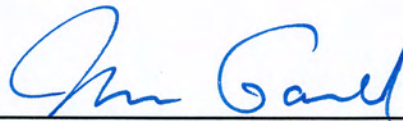
Before: GARLAND, Chief Judge

## 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 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: 9/8/14

## MEMORANDUM

The complainant alleges that a judge of the United States District Court for the District of Columbia engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. The allegations arise out of a lawsuit the complainant filed in the district court that was assigned to the subject judge. For the following reasons, the allegations do not warrant action against the subject judge.

The complainant sued a United States congressman and the Ethics Committee of the U.S. House of Representatives, asserting that the congressman “willfully concealed” from various congressional committees federal crimes allegedly committed by federal judges in New York, and that the Committee improperly rejected his ethics complaint. The subject judge dismissed the complaint, finding that the suit was barred by the Speech or Debate Clause and was nonjusticiable under the political question doctrine and the Rulemaking Clause. The complainant alleges that, in so doing, the judge “has willfully REFUSED to report [a] Congressman[‘s] . . . federal crimes over to the U.S. Congress’ Judiciary Committee & to the FBI Agency’s Director Office regarding [an] FBI Special Agent.” This is the second complaint (*see* DC-14-90011) the complainant has filed regarding the judge’s alleged concealment of or failure to report the congressman’s alleged “federal crimes,” and it is the third complaint (*see* DC-13-90032 and DC-14-90004) the complainant has filed alleging that the judge concealed the FBI Agent’s “crime.” The instant complaint does not provide any “material information not previously considered” with respect to the earlier complaints. JUD. CONF. U.S., RULES FOR JUDICIAL-

CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(2). Because the allegations of the instant complaint, like those in the previous complaints, are “directly related to the merits of a decision” and lack “sufficient evidence to raise an inference that misconduct has occurred,” the complaint must be dismissed. *See* JUDICIAL-CONDUCT RULE 11(c)(1)(B), (D); 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).<sup>1</sup>

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<sup>1</sup> 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).