

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

**In the Matter of
A Complaint of Judicial
Misconduct or Disability**

**Complaint No. DC-21-90055
DC-21-90056
DC-21-90057
DC-21-90058**

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, and 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: 2/17/22

No. DC-21-90055
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MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge of the United States District Court for the District of Columbia and 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 suit in district court raising a claim under the Federal Tort Claims Act. The subject district judge *sua sponte* dismissed the complaint without prejudice as frivolous, explaining that the court could not “discern what claim or claims [the complainant] intend[ed] to bring,” and that “many of the factual allegations contained in the complaint [were] incoherent, irrational or wholly incredible, rendering the complaint subject to dismissal as frivolous.” The subject district judge denied the complainant’s subsequent motion for reconsideration and for leave to file an amended complaint. The complainant appealed. The subject appellate judges affirmed the subject district judge’s orders, holding that the district court properly dismissed the complaint as frivolous and that the district court neither abused its discretion in denying reconsideration nor erred in denying the complainant leave to file an amended complaint.

The complainant has now filed a judicial misconduct complaint challenging the disposition of his case. The entirety of the complaint states:

All judges know that FTCA – Federal Tort Claims Act stipulates if falsely arrested an[d] found innocent; court cannot claim frivolous and must direct FBI to pay damages like Chicago Policy Dept. paid in case # 1:07-cv-976 who accompanied FBI in false arrest. Request a finding of not frivolous and direct FBI to pay damages owed under FTCA.

The complainant’s allegation amounts to a direct challenge to the subject judges’ orders dismissing the complaint and then affirming the dismissal, and thus “calls into question the correctness of [the] judge[s]’ ruling[s].” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), Rule 4(b)(1). Such an allegation does not constitute “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or the applicable statute. *Id.*; see 28 U.S.C. § 352(b)(1)(A)(ii). Accordingly, because the complaint “is directly related to the merits of [the judges]’ decision[s],” the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B); see 28 U.S.C. § 352(b)(1)(A)(ii).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).