JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re: Complaint of Judicial Misconduct	* * * * * * *	Complaint Number 06-25-90172

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by the complainant against the Honorable James E. Boasberg, Chief Judge of the United States District Court for the District of Columbia, under 28 U.S.C. § 351.

I.

The gist of the complaint is that the subject judge defied Supreme Court rulings in actions he took while presiding over a lawsuit regarding the removal of individuals under the Alien Enemies Act. Before turning to the specific allegations in the complaint, it is worth briefly describing the underlying litigation.

This matter arises from a lawsuit filed before Judge Boasberg on March 15, 2025. The plaintiffs are detained individuals allegedly affiliated with the foreign terrorist organization Tren de Aragua who seek to prevent the federal government from removing them to another country under the Alien Enemies Act. Compl. (R.1), No. 25-cv-766 (D.D.C. Mar. 15, 2025). On March 15, the judge issued two temporary restraining orders that halted (1) attempts to remove the plaintiffs, Minute Order on Motion for TRO, No. 25-cv-766 (D.D.C.), and (2) attempts to remove preliminarily certified class members, Minute Order on Motion to Certify Class, No. 25-cv-766 (D.D.C.). The United States Court of Appeals for the District of Columbia Circuit declined the government's emergency request to stay the orders on March 26. *J.G.G. v. Trump*, No. 25-5067, 2025 WL 914682 (D.C. Cir.). Two days later, on March 28, the judge extended the orders for an additional 14 days. Order on Motion for TRO (R.66), No. 25-cv-766 (D.D.C.). On April 7, in response to a request for emergency relief by the Department of Justice, the United States Supreme Court vacated the judge's temporary restraining orders. *Trump v. J.G.G.*, 145 S. Ct. 1003 (2025) (per curiam).

On April 16, the judge concluded that "probable cause exists to find the Government in criminal contempt" for failing to comply with the March 15 oral and written

restraining orders and provided the government an opportunity to "purge such contempt." Mem. & Op. (R.81) at 1, 2, 46, No. 25-cv-766 (D.D.C.). The government appealed and requested a writ of mandamus requiring the judge to end the contempt proceedings. The D.C. Circuit administratively stayed the contempt order on April 18. *J.G.G. v. Trump*, Doc. 2111846, No. 25-5124 (D.C. Cir.). On August 8, a panel of the D.C. Circuit dismissed the government's appeal, partially granted a writ of mandamus, and vacated the probable cause order. *J.G.G. v. Trump*, 147 F.4th 1044, 1045 (D.C. Cir. 2025) (per curiam); *see id.* at 1072 (Rao, J., concurring); *id.* at 1074 (Pillard, J., dissenting).

On November 14, the D.C. Circuit declined to grant en banc review of the mandamus ruling. *J.G.G. v. Trump*, No. 25-5124, 2025 WL 3198891, at *1 (D.C. Cir.). On November 24, the judge initiated a new contempt proceeding. He requested declarations from the government by December 5, and he scheduled a hearing for December 15. *See* Order (R.196), No. 25-cv-766 (D.D.C. Nov. 28, 2025); Minute Order Scheduling a Hearing, No. 25-cv-766 (D.D.C. Dec. 8, 2025). On December 12, the D.C. Circuit granted the Department's request to stay the contempt proceedings. *In re: Trump*, No. 25-5452, 2025 WL 3623076, at *1 (D.C. Cir.).

That brings us to this complaint of judicial misconduct. On June 5, 2025, the complainant filed the complaint against the subject judge with the Judicial Council of the D.C. Circuit. According to the complaint, the judge has "directly contravene[d] the ruling of the United States Supreme Court, violate[d] the Supremacy Clause," and "usurp[ed] judicial authority." Compl. at 3.

On November 26, in view of several appellate challenges to the judge's rulings in the underlying case and of concerns that the judges on the D.C. Circuit might have to recuse themselves from any proceedings before the Judicial Council, Chief Judge Srinivasan asked Chief Justice Roberts to transfer the judicial-misconduct proceeding to another circuit. *See* Judicial-Conduct Rule 26. On December 5, the Chief Justice transferred the matter to the Judicial Council of the United States Court of Appeals for the Sixth Circuit for resolution.

II.

After conducting an initial review, the chief judge of a circuit may dismiss a complaint of judicial misconduct if he concludes: (A) that the claimed conduct, even if it occurred, "is not prejudicial to the effective and expeditious administration of the business of the courts"; (B) that the complaint "is directly related to the merits of a decision or procedural ruling"; (C) that the complaint is "frivolous" because the charges are wholly unsupported; or (D) that the complaint "lack[s] sufficient evidence to raise an inference that misconduct has occurred." Judicial-Conduct Rule 11(c)(1)(A)–(D); *see* 28 U.S.C. § 352(a), (b).

This complaint warrants dismissal.

The theory of the complaint is that the judge improperly exercised jurisdiction over a case in defiance of a Supreme Court order. But this allegation of judicial misconduct "directly relate[s] to the merits of a decision" and thus does not constitute judicial misconduct. 28 U.S.C. § 352(b)(1)(A)(ii); *see* Judicial-Conduct Rule 4(b)(1). The Judicial Council is not a court and has no jurisdiction to review the merits of a judge's ruling, to reverse a judge's ruling, or otherwise to grant merits-related relief with respect to an underlying lawsuit. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988).

An allegation that a judge did not follow "prevailing law or the directions of a court of appeals in particular cases," it is true, may in extreme cases constitute cognizable misconduct. *In re Judicial Conduct & Disability*, 517 F.3d 558, 562 (U.S. Jud. Conf. 2008). But because "the characterization of such behavior as misconduct is fraught with dangers to judicial independence," the complainant must clear a high bar to maintain such a claim. *Id.* The complainant "must identify clear and convincing evidence of willfulness," which is to say "clear and convincing evidence of a judge's arbitrary and intentional departure from prevailing law based on his or her disagreement with, or willful indifference to, that law." *Id.* The complaint does not meet this standard. It does not explain how a Supreme Court ruling about a prior action by the judge necessarily shows "willful indifference" when the judge addresses a distinct set of circumstances in a later ruling. *In re Judicial Conduct & Disability*, 517 F.3d at 562. Because these allegations in the end merely challenge the merits of the judge's actions, they are not the proper subject of a misconduct complaint and do not warrant the complainant's request for a referral of the complaint to a special investigative committee. *See* Judicial-Conduct Rule 4(b)(1).

Accordingly, it is **ORDERED** that the complaint be dismissed under 28 U.S.C. § 352(b)(1)(A)(i)–(iii) and Judicial-Conduct Rule 11(c)(1)(B), and that the name of the subject judge be disclosed under Judicial-Conduct Rule 24(a)(1).

/s/ Jeffrey S. Sutton
Chief Judge

Date: December 19, 2025