

SENT VIA HAND DELIVERY

Office of the Clerk of the Court
United States Court of Appeals for the District of Columbia
E. Barrett Prettyman Courthouse
333 Constitution Ave., N.W.
Washington, D.C. 20001

Re: Complaint Against United States District Court Chief Judge James E. Boasberg

Dear Chief Judge Srinivasan:

Pursuant to 28 U.S.C. § 351(a) and Rules 5, 11, and 20 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and at the direction of the Attorney General, the Department of Justice respectfully submits this complaint alleging misconduct by U.S. District Court Chief Judge James E. Boasberg for making improper public comments about President Donald J. Trump to the Chief Justice of the United States and other federal judges that have undermined the integrity and impartiality of the judiciary.

On March 11, 2025, Judge Boasberg attended a session of the Judicial Conference of the United States, which exists to discuss administrative matters like budgets, security, and facilities. While there, Judge Boasberg attempted to improperly influence Chief Justice Roberts and roughly two dozen other federal judges by straying from the traditional topics to express his belief that the Trump Administration would “disregard rulings of federal courts” and trigger “a constitutional crisis.” Although his comments would be inappropriate even if they had some basis, they were even worse because Judge Boasberg had no basis—the Trump Administration has always complied with all court orders. Nor did Judge Boasberg identify any purported violations of court orders to justify his unprecedented predictions.

Within *days* of those statements, Judge Boasberg began acting on his preconceived belief that the Trump Administration would not follow court orders. First, although he lacked authority to do so, he issued a temporary restraining order preventing the Government from removing violent Tren de Aragua terrorists, which the Supreme Court summarily vacated.

Throughout the proceedings, Judge Boasberg rushed the government through complex litigation, sometimes giving the Trump Administration less than 48 hours to respond and threatening criminal-contempt proceedings and the appointment of an outside prosecutor against senior Trump Administration officials for failing to comply with an order that had already been vacated.

Taken together, Judge Boasberg’s words and deeds violate Canons of the Code of Conduct for United States Judges 1, 2(A), and 3(A)(6), erode public confidence in judicial neutrality, and warrant a formal investigation under Rule 11.

I. Applicable Canons

- Canon 1 “A judge should uphold the integrity and independence of the judiciary.”
- Canon 2(A) “A judge should ... act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
- Canon 3(A)(6) “A judge should not make public comment on the merits of a matter pending or impending in any court.”

II. Chief Judge Boasberg’s Violations of Judicial Canons

The Judicial Conference is the policymaking body of the federal judiciary.¹ It operates strictly as an administrative body, focusing on policy matters related to court operations rather than substantive legal issues or specific cases. Its proceedings are designed to maintain the judiciary’s institutional integrity by addressing only systemic administrative concerns that affect the federal court system as a whole, carefully avoiding any discussions that could compromise judicial neutrality or create the appearance of bias toward particular litigants. Common topics of discussion at these meetings include court security, budget, administration, facilities, and issues regarding probation and pretrial services.

On March 11, 2025, at one of the Conference’s semiannual meetings, Judge Boasberg disregarded its history, tradition, and purpose to push a wholly unsolicited discussion about “concerns that the Administration would disregard rulings of federal courts, leading to a constitutional crisis.”² By singling out a sitting President who was (and remains) a party to dozens of active cases, Judge Boasberg attempted to transform a routine housekeeping agenda into a forum to persuade the Chief Justice and other federal judges of his preconceived belief that the Trump Administration would violate court orders.

Judge Boasberg’s actions not only breached his duties, but they also defied reality and the law. First, the Trump Administration has complied with every court order—including the unlawful orders that appellate courts have subsequently stayed or reversed. Second, federal courts must begin from a “presumption of regularity”—the settled doctrine that executive officials “have properly discharged their official duties” absent clear evidence otherwise.³ By predicting non-compliance, Judge Boasberg turned that presumption on its head, contradicting both the evidence of past compliance and the governing law. These comments to the Chief Justice and other federal judges in a public setting undermined the integrity and impartiality of the judiciary, in violation of

¹ About the Judicial Conference of the United States, <https://www.uscourts.gov/administration-policies/governance-judicial-conference/about-judicial-conference-united-states>

² Attachment A at 16.

³ *United States v. Chemical Found., Inc.*, 272 U.S. 1, 14-15 (1926).

Canons 1, 2(A), and 3(A)(6).⁴ By expressing his view that a particular litigant would violate court orders, Judge Boasberg degraded public confidence in the integrity of the judiciary. Litigants expect that every judge will decide matters based on the facts and the law before them, not on preconceived notions that government officials will violate the law.

Worse, Judge Boasberg's comments were directed at the Chief Justice and approximately two dozen other federal judges from across the country in an apparent attempt to persuade them to adopt his erroneous view that the Trump Administration would not comply with court orders. These are the same judges that will hear other cases involving President Trump and his Administration. Because the Chief Justice would review Judge Boasberg's decisions, his remark was especially problematic as he attempted to prejudice the very court that would scrutinize his decisions—as it ultimately did in *J.G.G.*, holding that his actions were unlawful.

In a recent interview, University of California, Berkeley Law Professor John Yoo criticized Boasberg's actions as “us[ing] an inappropriate setting” to “try to get the Chief Justice of the United States to give his opinion on whether there is a constitutional crisis between the courts and the presidency.”⁵ In essence, Judge Boasberg was “trying to entrap the Chief Justice of the United States and get him on the record and join him to almost approve what he's doing to spark this fight with President Trump.”⁶ This attempt to persuade other judges that arguments from governmental officials should be discounted in light of their alleged propensity to violate court orders contravenes Canon 1 and 2(A)'s instructions that judges uphold the integrity of the judiciary and promote public confidence in the integrity of the judiciary. And it is not mere conjecture to say that Judge Boasberg's comments eroded public confidence in the judiciary. It has already happened. His remarks have been widely publicized and criticized. This is precisely why the Judicial Canons proscribe this kind of behavior.

Judge Boasberg's ensuing judicial actions over the next five weeks followed the very script he had sketched at the Conference. On March 15, 2025, just four days after he made his comments, Judge Boasberg granted a TRO in *J.G.G. v. Trump* halting the removal of violent Tren de Aragua terrorists who were named plaintiffs—within hours of the complaint being filed and without affording the United States even a chance to appear.⁷ That evening he expanded relief to a nationwide class, cementing his restraints before the Government's first substantive brief could be

⁴ While the prohibition on public comment on the merits does not extend to public statements made in the course of the judge's official duties, making off-topic remarks on the merits of a case at a Judicial Conference does not fall within the official duties of a judge.

⁵ Fox News Clips, *Judge's comments about Trump condemned as “REALLY DISTURBED”*, YouTube (July 17, 2025), https://www.youtube.com/watch?v=KN_yswMQbY

⁶ *Id.*

⁷ Minute Order (March 15, 2025), *J.G.G. v. Trump*, No. 1:25-cv-766 (D.D.C.).

filed in the district court.⁸ He then convened an emergency “compliance” hearing—before the Government’s motion to vacate was even due—openly suggesting the non-compliance he had predicted just six days earlier had occurred. Over the next 48 hours he ordered declarations detailing flight paths and passenger counts—deadlines so compressed that DOJ twice sought relief, only to be rebuffed. This departure from standard practice confirms or at least gives the impression that his Conference prediction had hardened into judicial action driven by an agenda, not the facts and the law.

On April 7, 2025, the Supreme Court summarily vacated Judge Boasberg’s class-wide TRO, confirming that Judge Boasberg lacked authority to issue it and underscoring that the rush to issue it sacrificed basic legal predicates.⁹ Undeterred by the Supreme Court’s reversal, Judge Boasberg still proceeded to issue a 46-page show-cause opinion threatening criminal contempt and the appointment of an outside prosecutor.¹⁰ Since then, the D.C. Circuit has also recognized Judge Boasberg’s errors, staying his decisions twice.¹¹

These facts, read together, show that Judge Boasberg’s actions have harmed the integrity and public confidence in the integrity of the judiciary. His comments on March 11 appear to have been improperly implemented from the bench. Having assumed President Trump would defy court orders, Judge Boasberg issued a TRO and threatened sanctions—all on a false premise. Such conduct violates litigants’ trust in an impartial judiciary and falls below the standards that safeguard the integrity of the judiciary and public confidence in that integrity.

III. Relief Requested

The Department of Justice respectfully requests that the Chief Judge take the following actions pursuant to Rules 5, 11, and 20 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings:

1. Docket and refer this complaint to a special investigative committee under Rule 11(f), as an inquiry is essential to determine whether Judge Boasberg’s conduct constitutes “conduct prejudicial to the effective and expeditious administration of the business of the courts.”
2. Order interim corrective measures during the investigation, including reassignment of all related *J.G.G. v. Trump* cases to another judge to prevent further erosion of public confidence while the investigation proceeds.

⁸ *Id.*

⁹ *Trump v. J.G.G.*, 145 S.Ct. 1003 (2025).

¹⁰ *J.G.G. v. Trump*, No. 1:25-cv-766 (Dkt. 81)

¹¹ *J.G.G. v. Trump*, No. 25-5124 (D.C. Cir.); *J.G.G. v. Trump*, No. 25-5217 (D.C. Cir.).

3. Upon substantiation, impose appropriate disciplinary action, including a public reprimand and referral to the Judicial Conference for consideration of impeachment-related recommendations, if the committee finds willful misconduct.

An independent judiciary depends on both *actual* and *apparent* impartiality. Judge Boasberg publicly forecasted his baseless predictions of presidential lawlessness, then issued erroneous rulings based on that preconceived notion, which the Supreme Court had to vacate. This sequence meets—at a minimum—the classic definition of failure to “promote[] public confidence in the integrity and impartiality of the judiciary” under Canon 2(A). Swift, visible action will reinforce the judiciary’s institutional integrity by showing that judges are held to the same standards they enforce and deter comparable misconduct.

Respectfully,

Chad Mizelle
Chief of Staff
Office of the Attorney General
United States Department of Justice