

**Montgomery Blair Sibley**

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January 31, 2016

Via Fax (202-273-0331) & USPS Delivery Confirmation  
Circuit Executive  
JUDICIAL MISCONDUCT COMPLAINT  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001-2866

Re: *Judicial Conduct Complaint*

Greetings,

Pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§351-364 and the Rules for Judicial Conduct and Judicial Disability Proceedings, I am enclosing four copies of my Complaint of Judicial Misconduct for: (i) Clerk of the Court, (ii) Chief Judge of the D.C. Circuit, (iii) the Judge Complained About and (iv) Chief Judge of the D.C. District Court.

yours,



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Judicial Council of the D.C. Circuit  
Complaint of Judicial Misconduct  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001-2866

Re: *Judicial Conduct Complaint against Chief Judge Richard W. Roberts*

Greetings,

Pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§351-364 and the Rules for Judicial Conduct and Judicial Disability Proceedings, Rule 6(a) – which dispenses with the requirement that I use a particular form inasmuch as I am otherwise complying with the requirements of Rule 6(b) – I hereby state the following under penalty of perjury:

1. **Complainant's Name:** Montgomery Blair Sibley  
**Address:** 402 King Farm Blvd, Suite 125-145, Rockville,  
MD 20850  
**Telephone:** 202-643-7232

2. **Judge or Magistrate Judge complained about:** Chief Judge Richard W. Roberts

**Court:** U.S. District Court for the District of Columbia

3. **Does this complaint concern the behavior of the judge or magistrate judge in a particular lawsuit or lawsuits?** Yes.

If "yes" give the following information about each lawsuit:

**Court:** U.S. District Court for the District of Columbia  
**Case number:** *U.S. v. Palfrey*, Case No.: 07-cr-046

**Were you a party or lawyer in the lawsuit?** Yes, as an attorney.

**4. Have you filed any lawsuits against the judge or magistrate judge?** No.

**5. Brief Statement of Facts:**

**What/When and Where the relevant events happened:** – On January 11, 2016, the U.S. Post Office delivered by USPS Delivery Confirmation to the Clerk of the U.S. District Court for the District of Columbia my “MOTION TO MODIFY RESTRAINING ORDER TO PERMIT THE RELEASE OF TELEPHONE RECORDS RECEIVED PURSUANT TO SUBPOENAS BUT NEVER MADE PUBLIC AND OTHER RECORDS” (“the Motion”) in Case No.: 07-cr-046. In that Motion, I sought permission to be relieved from the 2007-2008 restraining orders issued in 07-cr-046 to which I am subject so that I could release 815 names, addresses and business telephone numbers of former clients of Defendant Deborah Jeane Palfrey’s escort service, Pamela Martin & Associates. Additionally, in the Motion, I sought permission to release some forty (40) escort agency telephone records operating in the Metro D.C. Area that I had also obtained pursuant to subpoenas I issued in Case No.: 07-cr-046. Those sealed-from-the-public-in-2008-by-Court-order 815 names and 40 escort agency records may contain information relevant to the upcoming Presidential election. The docket in Case No.: 07-cr-046 reflects that on January 11, 2016, the matter was transferred to Chief Judge Richard W. Roberts.

On January 22, 2016, as the Motion had not appeared on the PACER docket for Case No.: 07-cr-046, I contacted by telephone the Clerk's office and spoke with Ms. Saunders in the Criminal division. She indicated to me that Chief Judge Richard W. Roberts had physical possession of the Motion and had directed the Clerk's Office to refused to file it. After sending Ms. Saunders several emails – none of which she acknowledged receipt of though she orally indicated to me she would – the Motion still has not appeared on the docket.

Fed Rules Crim Proc R 49(d) “Filing” states in pertinent part: “A paper **must**

be filed in a manner provided for in a civil action.” Fed Rules Civ Proc R 79(a)(2) states in pertinent part: “Items to be Entered. The following items must be marked with the file number and entered chronologically in the docket: (A) papers filed with the clerk; . . .”.

Simply stated, it is a felony under 18 USC § 2071(b) to: “willfully and unlawfully conceal [or] obliterate” any “paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States”. Here, I believe that Chief Judge Richard W. Roberts has committed that felony by concealing the Motion I deposited with the Clerk. While I fully recognized that a federal judge has the authority to seal a record for good cause, in this case, there has been **no** such finding or order issued in that regard for almost three (3) weeks.

**Any information that would help an investigator check the facts**

I have in my possession copies of the Motion and emails to confirm the allegations made herein and would be pleased to meet with an investigator to provide copies of the same.

**Declaration and Signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Dated: January 31, 2016

Signature: \_\_\_\_\_

  
Montgomery Blair Sibley