

Per Curiam

SUPREME COURT OF THE UNITED STATES

No. 07–06

EX PARTE ANGELICHAVEN

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
THE JUDICIARY

[May 12, 2019]

PER CURIAM.

On March 1, the Court of Appeals (acting as the Court of the Judiciary) found that petitioner had violated the United States Code of Conduct for Judges by acting inappropriately towards parties. *In Re Complaint Against District Judge AngelicHaven*, 2 F. d ____ (C. A 2019) (slip op., at 2). The court suspended him for 14 days. Petitioner appealed, arguing that the court’s Chief Judge failed to recuse himself as he alleges was legally required. We granted certiorari and now dismiss for mootness.

I

The Court’s inability to review moot cases derives from Article III. See *Liner v. Jafco, Inc.*, 375 U. S. 301, 306, n. 3 (1964). “[T]he question of mootness is a federal one which a federal court must resolve before it assumes jurisdiction.” *North Carolina v. Rice*, 404 U. S. 244, 246 (1971). This requirement extends to appellate action. See *Roe v. Wade*, 410 U. S. 113, 125 (1973) (“The usual rule in federal cases is that an actual controversy must exist at stages of appellate or certiorari review, and not simply at the date the action is initiated”).

“The starting point for analysis is the familiar proposition that federal courts are without power to decide questions that cannot affect the rights of litigants in the case before

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them.” *DeFunis v. Odegaard*, 416 U. S. 312, 316 (1974) (citing *Rice, supra*, at 246) (internal quotation marks omitted). Such is the case here. The petitioner’s rights cannot be adversely affected by the Court of the Judiciary as he is no longer a Judge. The jurisdiction of that court simply cannot be invoked in any way that deprives the petitioner of his rights.

II

We now turn to petitioner’s argument. JUSTICE CHASE requested petitioner to brief the Court on the question of mootness. Petitioner responded by stating that: Firstly, the Court could “completely void the suspension off my record as if it has never existed.” Secondly, the Court could “punish those responsible.”

We reject these arguments. It is not this Court’s role to decide matters for the sake of “setting the record straight.” To do would be essentially an advisory opinion that is prohibited.

To analyze petitioner’s first argument, we turn to *St. Pierre v. United States*, 319 U.S. 41 (1943) (*per curiam*). The *St. Pierre* Court recognized two instances where cases were not moot: if the case couldn’t possibly be brought before this Court before the expiration of a sentence, or “state or federal law further penalties or disabilities can be imposed on him as a result of the judgment which has now been satisfied.” *Id.*, at 43. The former isn’t the case here—petitioner could’ve requested the Court to stay his suspension. The latter is simply not applicable; the petitioner suffers no legal consequence, especially considering their resignation. “[M]oral stigma of a judgment which no longer affects legal rights does not present a case or controversy for appellate review.” *Ibid.*

The Court lacks any jurisdictional basis to entertain the petitioner’s second argument. Congress has entrusted the Court of the Judiciary to “oversee the proper

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conduct of all judges.” Enhancing the Judiciary Act, Pub. L. 67–4, § 104(a). The Act provides a method for complaining about the conduct of lower-court Judges. This Court’s power to expel lower-court Judges is one traditionally exercised *sua sponte*,* and, in any event, petitioner’s complaints are generally insufficient to justify such an extraordinary act. In addition, the Judge whom petitioner principally complains about has retired.

The petition raises important questions. However, the expiration of the petition and the resignation of the petitioner renders this point moot. Accordingly, the writ is dismissed as moot.

So ordered.

* There are some notable exceptions to this. For example, Congress has provided circumstances where the Court of the Judiciary can report Judges to this Court with a recommendation of expulsion.