

## Syllabus

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**SUPREME COURT OF THE UNITED STATES**

Syllabus – Non precedential

**OFFICERCOOL45, PETITIONER *v.* UNITED STATES  
DISTRICT COURT EX REL DARKANGELB98****CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA**

No. 01–03. Argued December 9, 2021—Decided December 30, 2021

After the Attorney General of the United States (petitioner) was held in contempt of court pursuant to 18 U.S.C. § 401 by the District Judge he filed suit in the Supreme Court alleging multiple wrongdoings by the lower court including the incorrect application of contempt, arguing that contempt was not applicable to destruction of records because it did not hinder the ability of justice to be served. The petitioner also went on to allege that the Court acted in bad faith in its contempt citation because they did not afford him the right to a trial pursuant to the Amdt. VI of the Constitution. The respondent (District Judge Angel) refused to contest the case alleging concerns of bias of all members of the Court, while he noted members of the Court had previously commented on issues of law that does not suffice for any recusal under existing common law. The recusal[s] were denied and the Court granted summary disposition of the case and ordered the immediate overturning of the contempt citation because it was “indefensible” by its issuer. The Court therefore releases a non-precedential opinion on the matter concluding that if it were contested and the facts had been presented to the Court the citation would have been affirmed.

*Held:* In all the circumstances of this case, the contempt citation was justified but failure to contest by the Judge resulted in automatic reversal. Pp. 4–6.

(a) The Due Process Clause incorporated the common-law rule requiring recusal when a judge has “a direct, personal, substantial, pecuniary interest” in a case, *Tumey v. Ohio*, 273 U. S. 510, 523, but this Court has also identified additional instances which, as an objective matter require recusal where “the probability of actual bias on the

## Syllabus

part of the judge or decisionmaker is too high to be constitutionally tolerable,” *Withrow v. Larkin*, 421 U. S. 35, 47. No instances are citable in any arguments presented by the respondent. Pp. 5.

(b) The judicial contempt power is a “power of self-defense,” limited to sanctioning “those who interfere with the orderly conduct of [court] business or disobey orders necessary to the conduct of that business”). The petitioner did not obey the Court’s reasonable order and was rightly held in contempt, the deletion or altering of messages is an obstruction of the Court’s ability to maintain a public access right under the Fourteenth Amendment. Pp. 5.

(c) It is the duty of a judge to uphold and defend their orders when they are executed in a summary manner, for example contempt citations. Pp. 6.

(d) If the case would have been argued on the principles set on petitioners brief the Court would have upheld the contempt citation but due to the failure to contest the Court overturns the citation with a summary disposition. Pp 6.

BARRETT, C.J. DELIVERED THE OPINION OF THE COURT, THOMAS, O’CONNOR AND RUSHING, J.J. JOINING. FULLER, J. TOOK NO PART IN THE DECISION OF THIS CASE.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

**SUPREME COURT OF THE UNITED STATES**

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No. 01–03

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**OFFICERCOOL45, PETITIONER *v.* UNITED STATES  
DISTRICT COURT EX REL DARKANGELB98**

**ON WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF COLUMBIA**

[December 30, 2021]

CHIEF JUSTICE BARRETT delivered the opinion of the Court.

In this case the petitioner was held in direct criminal contempt of court by District Judge DarkAngelB98 for destruction of court records in the form of deleting a message in the District Court discord server. Petitioner contends that the contempt was unjustified and the respondent did not contest the challenge resulting in ultimate reversal with the release of this non-precedential opinion.

This case however has presented many factors that the Court should opine on, including the validity and usage of contempt citations, duty of response in challenges of direct summary punishments and due process rights.

I

We will first address whether or not the citation was valid in the summary disposition that the Court has granted. While petitioner contends that the Court was unfounded in its right to sanction him for deleting the message the Court had made it clear previously that such behavior was prohibited and would be in violation of the Court's local rules. See *Young*, 481 U.S., at 820-821 (Scal-

## Opinion of the Court

ia, J., concurring in judgment) (the judicial contempt power is a “power of self-defense,” limited to sanctioning “those who interfere with the orderly conduct of [court] business or disobey orders necessary to the conduct of that business”). The petitioner did not obey the Court’s reasonable order and was rightly held in contempt, the deletion or altering of messages is an obstruction of the Court’s ability to maintain a public access right under the Fourteenth Amendment.

Criminal contempt presents a unique difficulty to judicial review, given the complications that often arise. Because contempt power uniquely is “liable to abuse,” *Mine Workers v. Bagwell*, 512 U. S. 821, 831 (1994) (quoting *Bloom v. Illinois*, 391 U. S. 194, 202 (1968)), our jurisprudence in the area of contempt has “attempted to balance the competing concerns of necessity and potential arbitrariness.” *Id.*, at 832.1 We’ve found that at the pinnacle of necessary contempt adjudication is when unfavorable conduct threatens a court’s “immediate ability to conduct its proceedings.” *Ibid.* And we’ve also held that summary procedure is required and proper when doing so “maintain[s] order in the courtroom.” *Codispoti v. Pennsylvania*, 418 U.S. 506, 513 (1974).

However, we must also evaluate the due process rights that petitioner contends were violated as a result of the Court’s summary criminal contempt charge and that he deserves a trial for the offenses. This would clearly not have been a right as the law states that unless any contempt is held over one year that a trial by a jury is not considered a *right*. “We must decide what procedural protections [the appellant] should have been afforded.” *Hanshaw Ent. v. Emerald*, 244 F.3d 1128, 1138 (9th Cir. 2001). The Constitution, while guarantees the right to a jury, is not absolute with it providing clear exceptions for misdemeanors (something which contempt of court falls under).

## Opinion of the Court

The judicial contempt power “is, and must be, a power arbitrary in its nature, and summary in its execution” *State ex Rel. Groppi v. Leslie*, 44 Wis. 2d 282, 295 (Wis. 1969); the “regulations” and the “manner of its exercise, as prescribed” are imperceptible unless “a serious contempt is at issue” *Bloom v. Illinois*, 391 U.S. 194, 209 (1968). The Court must also utilize a higher level of analysis so we also look to the prosecutorial interpretation of the contempt power (the U.S. Attorney’s manual).

## A

The Court looked to the U.S. Attorney’s Manual in analyzing the standard for contempt. It explains that there are “four elements: (1) misbehavior of a person; (2) in or near to the presence of the court; (3) which obstructs the administration of justice; and (4) which is committed with the required degree of criminal intent.” 9 U. S. A. M. 753, citing *United States v. McGainey*, 37 F. 3d 682, 683 (D.C. Cir. 1994). Petitioner clearly satisfied the first point, “misbehavior” of a person, and second point, “in or near to the presence of the court.”

But trial courts have great discretion on the issuance of contempt and it has been longstanding for such. *Ex parte Terry*, 128 U.S. 289, 290 (1888) “it is within the discretion of the court either to at once make an order commitment founded on its own knowledge of the facts or to postpone action until the offender can be arrested on process, brought back into its presence, and given an opportunity to make formal defense against the charge of contempt, and any abuse of that discretion is, at most, an irregularity or error not affecting the jurisdiction of the court.”).

The Court has no intention of neutering a clearly established power.

## B

It is the duty of a judge to uphold and defend their orders when they are executed in a summary manner, for example contempt citations. Judge Angel did not fight or

## Opinion of the Court

contest the petitioner's claims and so they are to be assumed correct and the judge's order indefensible.

## II

In conclusion, now that even though this opinion is non-precedential it provides a general indicator on the application of law in this country. If the case would have been argued on the principles set on petitioners brief the Court would have upheld the contempt citation but due to the failure to contest the Court overturns the citation with a summary disposition.

*It is so ordered.*