

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE JUDICIAL COMPLAINT

Complainant: Julian Marcus Raven

Respondent: Judge Christopher R. Cooper

SUBJECT: Judicial Complaint Regarding Procedural and Substantive Handling of Case 22-cv-2809

TO: THE HONORABLE CHIEF JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

INTRODUCTION

This judicial complaint is respectfully submitted pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 351(a), which authorizes complaints against federal judges who have engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. Complainant Julian Marcus Raven alleges that Judge Christopher R. Cooper, presiding over *Raven v. Sajet* (22-cv-2809), exhibited conduct and issued rulings that reflect partiality, procedural irregularity, and a lack of adherence to judicial standards of neutrality and diligence. These actions have undermined public confidence in the impartial administration of justice and prejudiced Complainant's right to a fair adjudication.

The chilling effect of Judge Cooper's conduct, caused Complainant to lose heart for his appeal and abandon any hope of securing justice and the vindication of his 1st Amendment Free-Speech rights.

ALLEGATIONS

1. Prejudicial and Dismissive Framing of the Case

In his memorandum opinion, Judge Cooper opened by stating, "This case is the latest skirmish in artist Julian Marcus Raven's long-running campaign against the Smithsonian Institution." The term "skirmish" trivializes the serious constitutional claims at the heart of the litigation and conveys a dismissive attitude toward the Plaintiff. Further, by labeling the litigation as part of a "long-running campaign," the Court unjustly characterizes the Complainant's legal efforts as antagonistic rather than legitimate attempts to seek redress for alleged First Amendment violations. This framing signals an appearance of bias that undermines confidence in judicial impartiality.

2. Failure to Apply Supreme Court Precedent

Judge Cooper failed to conduct a detailed analysis of the two-prong test outlined by the U.S. Supreme Court in *Lindke v. Freed*, 601 U.S. 187 (2024), which governs whether a government official's social media activity constitutes state action. Specifically:

- The Court failed to address evidence demonstrating that Kim Sajet's Twitter account was used for Smithsonian-related communications and constituted state action under the *Lindke* test.
- The Court's reliance on Sajet's self-serving disclaimer that her account was personal disregarded precedent emphasizing the need to examine the historical and functional use of the platform (*Lindke*, 601 U.S. at 195).

3. Omission of Key Evidence

The Court ignored evidence related to Sajet's Instagram account, which, like her Twitter account, claimed to be personal but primarily promoted Smithsonian events and institutional messaging. This evidence directly supports the Plaintiff's contention that Sajet's social media platforms functioned as extensions of her official role and were subject to constitutional scrutiny. By disregarding this evidence, the Court demonstrated a lack of thoroughness and diligence.

4. Typographical Error and Indications of Haste

In the memorandum's concluding paragraph, Judge Cooper referred to Plaintiff Raven as "Rajet," a glaring typographical error that reflects either haste or a lack of attention to detail. While typographical errors can occur, such an error in reference to the Plaintiff's name suggests a deeper issue with the level of care applied to the case. Combined with the dismissive tone of the opinion, this error undermines confidence in the impartiality and thoroughness of the judicial process.

5. Failure to Address Smithsonian's Legal Status

A central issue in this litigation concerns the ambiguous legal status of the Smithsonian Institution, which claims to be both a private trust and a federally funded entity. This dual status has significant constitutional implications for First Amendment claims. Despite the importance of this issue, the Court failed to address it in any meaningful way, thereby evading a critical question that underpins both this and prior litigation involving the Smithsonian.

6. Judicial Delay in Resolving First Amendment Claims

Judge Cooper's delay in resolving the case following the Supreme Court's ruling in *Lindke v. Freed* reflects an unacceptable disregard for the Supreme Court's mandate that First Amendment cases be resolved expeditiously. The *Lindke* ruling was issued in March 2024, providing clarity on the legal framework for evaluating state action in social media cases. Despite this, Judge Cooper failed to issue a decision for over nine months, leaving Plaintiff Raven's constitutional rights in limbo.

The Supreme Court has repeatedly emphasized the necessity of swift adjudication in cases where individual speech rights hang in the balance (*Elrod v. Burns*, 427 U.S. 347, 373-74 (1976)). This judicial delay undermines the constitutional imperative of timely redress and further erodes confidence in the impartial administration of justice.

VIOLATIONS OF JUDICIAL STANDARDS

The conduct described above constitutes violations of the Code of Conduct for United States Judges, specifically:

- **Canon 1:** A judge should uphold the integrity and independence of the judiciary. By employing prejudicial language and failing to conduct a thorough and impartial analysis, Judge Cooper undermined public confidence in the judiciary.
 - **Canon 2:** A judge should avoid impropriety and the appearance of impropriety in all activities. The dismissive framing of the case and the disregard for key evidence create the appearance of partiality.
 - **Canon 3:** A judge should perform the duties of the office fairly, impartially, and diligently. The lack of adherence to Supreme Court precedent, the failure to address critical evidence and issues, and the significant delay in resolving the case demonstrate a lack of diligence and fairness.
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REQUEST FOR RELIEF

Complainant respectfully requests the following relief:

1. An investigation into Judge Cooper's conduct and handling of *Raven v. Sajet* (22-cv-2809) to determine whether it violated judicial standards of impartiality and diligence.
 2. Any other appropriate measures to ensure the fair and impartial administration of justice in this case and future proceedings, regardless of possible mootness due to the resignation of Smithsonian National Portrait Gallery director Kim Sajet.
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Respectfully submitted,
Julian Marcus Raven

DATED: June 28th, 2025

Office of the Circuit Executive, E. Barrett Prettyman U.S. Courthouse, 333 Constitution Avenue, NW, Washington, D.C. 20001