

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS.
F-09-90006 and F-09-90007

Before MICHEL, Chief Judge.

ORDER AND SUPPORTING MEMORANDUM

A document including complaints of judicial misconduct was received by the court on March 17, 2009. The complaints concern a magistrate judge and a district court judge who hold office within the jurisdiction of the United States Court of Appeals for the Ninth Circuit. It appears that the complaints are copies of documents that the complainant also filed with the Ninth Circuit.

Pursuant to Rule 7(a)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a magistrate judge or district court judge "must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office." If the complaint alleges misconduct in the course of official business while the subject judge was sitting on a court by designation, then the complaint may be filed either with the circuit clerk in the jurisdiction in which the subject judge sat by designation or with the circuit clerk in the jurisdiction in which the subject judge holds office. Rule 7(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The complainant does not assert that the subject judges sat by designation with the United States Court of Appeals for the Federal Circuit. Instead, the complaints concern a magistrate judge and district court judge who hold office within the jurisdiction of the United States Court of Appeals for the Ninth Circuit. Thus, the complaints received by this court were filed in the wrong circuit. Pursuant to Rule 11(c)(1)(F) of the

Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint "must be dismissed in whole or in part to the extent that the chief judge concludes that the complaint . . . has been filed in the wrong circuit under Rule 7"

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed pursuant to Rule 11(c)(1)(F) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

April 8, 2009

Date

/s/ Paul R. Michel

Paul R. Michel

Chief Judge

There is a right to file a petition for review of this order. Pursuant to Rule 18(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, any petition for review must be received by the circuit executive within 35 days of the date of the letter transmitting this order. Any petition must be sent to:

Circuit Executive
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439